

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF TUESDAY, JANUARY 2, 2007**

6:30 P.M.
REGULAR MEETING
Big Flats Community Center
Conference Room "D"

PRESENT: Mark Fleisher, Chair
Angela Piersimoni
Carl Masler
Lee Younge
Lance Muir
Scott Esty
Bill Stewart

ABSENT: James Ormiston

STAFF: Maureen Harding, Director of Planning
Sheree McGannon, Deputy Town Clerk
Brenda Belmonte, Planning Board Secretary

GUESTS: Kent Woloson, Scott Moore, Tim Steed, James Gensel, Marilyn Brown

AGENDA

The Board agreed with the agenda as presented.

MINUTES

Fleisher asked if there were corrections before accepting and approving the minutes of December 12, 2006. Fleisher noted amendments to Resolution P82-2006 regarding the citation corrections for the requested variances to the Town of Big Flats Municipal Code. Muir made a motion to accept and approve the minutes of December 12, 2006, as amended, seconded by Younge. All were in favor except Ormiston was absent, motion carried.

PUBLIC HEARING
RECOMMENDATION FOR PLANNING BOARD RULES AND PROCEDURES
REVISION OF PLANNING BOARD MEETING SCHEDULE

Chair Fleisher called the Public Hearing to order at 6:35 P.M. He noted the Public Hearing was duly published in the Elmira Star-Gazette. He then went on to describe details of the proposed action. He further stated that the purpose of the Public Hearing was to receive public comments on the application that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None

AGAINST: Kent Woloson, attorney for Marilyn Brown asked how the new schedule would effect the meeting set for January 23, 2007. Fleisher responded it would not affect that meeting.

COMMENTS: None

Fleisher closed the Public Hearing at 6:38 P.M.

**PUBLIC HEARING
MARILYN A. BROWN SUBDIVISION
TAX PARCELS #76.00-2-68/76.00-2-67**

Chair Fleisher called the Public Hearing to order at 6:39 P.M. He noted the Public Hearing was duly published in the Corning Leader. He then went on to describe details of the proposed action. He further stated that the purpose of the Public Hearing was to receive public comments on the application that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: Kent Woloson, attorney for the applicant stated Ms. Brown is in favor of the application.

AGAINST: None

COMMENTS: None

Fleisher closed the Public Hearing at 6:40 P.M.

**PUBLIC HEARING
STEVEN REYNOLDS SUBDIVISION
TAX PARCEL #47.00-1-33.1**

Chair Fleisher called the Public Hearing to order at 6:41 P.M. He noted the Public Hearing was duly published in the Elmira Star-Gazette. He then went on to describe details of the proposed action. He further stated that the purpose of the Public Hearing was to receive public comments on the application that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None

AGAINST: None

COMMENTS: None

Fleisher closed the Public Hearing at 6:42 P.M. to reconvene the regular business portion of the meeting.

**RECOMMENDATION FOR PLANNING BOARD RULES AND PROCEDURES
REVISION OF PLANNING BOARD MEETING SCHEDULE**

Fleisher reviewed the revision to the Planning Board Rules and Procedures and asked for comments or concerns.

Younge asked if the Executive Committee would be meeting one or two weeks prior to the Planning Board Meeting. Harding explained that meeting two weeks prior to the Board Meeting would allow for more time to properly notify property owners and the media and adhere to Open Meetings Law. Fleisher stated that there would be time when it would not be necessary to hold an Executive Committee meeting prior to a special meeting.

Masler asked if the application deadline being proposed as the day of the meeting of the previous month should be changed to a standard 4 weeks prior to the meeting. Harding replied that having the application deadline as the day of the previous meeting helped to keep things predictable for applicants and the Board. In regards to the 30 day comment deadline, it would be possible to send out the notifications and meet the comment deadline within a two meeting time frame.

Piersimoni stated it appears that the goal is for all applications to be in order at the Executive Committee Meeting.

Being no further comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P89-2007
RECOMMENDATION FOR PLANNING BOARD RULES AND PROCEDURES
REVISION OF PLANNING BOARD MEETING SCHEDULE**

Resolution by: Muir

Seconded by: Stewart

WHEREAS, the current duly adopted Planning Board Rules and Procedures are contained in Resolution P14-02; and

WHEREAS, Rule Number 3 of said rules states “Regular Meetings of the Board shall be held every *three* weeks on a Tuesday;” and

WHEREAS, the Director of Planning by directive of the Town Board has recommended that the Planning Board revise Rule Number 3 and hold regular meetings of the Board the *First Tuesday* of each month and twice-a-month as needed based on the following findings:

- During the Months of January through April and September through December, the number of agenda items has been historically held to four or five items. The number of items on the agenda increases during the Construction Season (May through August).
- NYS Open Meeting Law requirements cannot be lawfully met under the 3-week schedule without subjecting staff to duress; and thereby, risking the Town of Big Flats to procedural challenges;
- SEQR/NEPA requirements cannot be sufficiently met under the three-week schedule whereby, the acceptable rule of procedure is to allow for a 30-day comment period;
- County/Intermunicipal referral requirements cannot be adequately met and allow for a 30-day comment period under the 3-week schedule and allow for adequate due process for either the Town or the applicant;
- The 3-week schedule does not allow for adequate staff review time in order to prepare applications for Planning Board Review; and
- Other alternatives, such as, minor deviations from approved site plan or subdivisions not subject to the full planning board review pursuant to Section 17.32.160 and an Intermunicipal Agreement to expedite County referrals, have not yet been explored to further reduce the number of items on the Planning Board agenda; and

WHEREAS, the Planning Board determines that this action to be a Type II action pursuant to 6NYCRR part 617.5(c)(20) and no further action is required from this Board regarding such; and

WHEREAS, a Public Hearing has been held pursuant to Town Law of the State of New York Article 16 of Section 272, on the proposed adoption of the revised rules containing said recommendation; and

NOW, THEREFORE BE IT RESOLVED, this Board will revise the schedule to go from holding one meeting every three weeks to holding a meeting the *First Tuesday* of each month with additional meetings as needed or otherwise for special meetings of actions of a complex nature.

CARRIED: **AYES:** Younge, Stewart, Esty, Fleisher, Masler, Muir, Piersimoni
 NAYS: None
 ABSENT: Ormiston

Dated: Tuesday, January 2, 2007
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER
Chairman, Planning Board

**KENT BROWN REALTY GROUP/COUNTY ROUTE 64, INC.
RE-SUBDIVISION PRELIMINARY PLAT
TAX PARCELS #58.03-1-56/58.03-1-58**

Fleisher reviewed the preliminary plat and reviewed the comments from the Chemung County Planning Board and the Commissioner of Public Works. Fleisher then asked for comments or questions, being none Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P90-2007
KENT BROWN REALTY GROUP/COUNTY ROUTE 64, INC.
RE-SUBDIVISION PRELIMINARY PLAT
TAX PARCELS #58.03-1-56/58.03-1-58**

Resolution by: Younge
Seconded by: Esty

WHEREAS, this Board has received an application from Kent Brown Realty Group and County Route 64, Inc., owners of tax parcels #58.03-1-56 and 58.03-1-58 for re-subdivision approval; and

WHEREAS, the property is located at 951 County Route 64 in the Business Regional (BR) district; and

WHEREAS, the current parcels are owned separately by Kent Brown Realty Group and County Route 64 Group; and

WHEREAS, the applicants propose to merge *Tax Parcels* 58.03-1-56 and 58.03-1-58 into one parcel under the ownership of both Kent Brown Realty Group and County Route 64 Group; and

WHEREAS *parcel* # 58.03-1-56 (3.201 acres) presently consists of the existing dealership and drainage swale and *parcel* #58.03-1-58 (0.692 acres) presently consists of a vacant parcel. The *re-subdivision* of these *parcels* will create one *parcel* containing approximately 3.893 acres; and

WHEREAS, the applicants propose to construct (26) additional impervious parking spaces for vehicle sales in addition to (216) existing parking spaces for a total of (242) parking spaces; and

WHEREAS, the addition of a new driveway entrance will require the closing of the existing driveway entrance to facilitate a shared driveway access to Kent Brown Toyota and the Food Bank (Tax Parcel #58.03-1-52.1) from the construction of a new 4-way signalized entrance to the recently constructed Target; and

WHEREAS, the Director of Planning has received a letter dated December 14, 2006 from Murl Sebring, Chemung County Interim Commissioner of Public Works stating the concerns of the Chemung County Highway Department is as follows:

- The ability to create a common driveway for Kent Brown and the Food Bank at this traffic signal previously created by the Target development;
- The closure of the existing access point to both Kent Brown Toyota and to The Food Bank;
- That the plans as submitted appear to accomplish this;
- The traffic safety issues along CR 64 are a high priority; and

WHEREAS, the Town of Big Flats Commissioner of Public Works in a letter dated December 21, 2006 has submitted comments on the proposed action as follows:

- All conditions required by the County for the joint entrance and construction needs to be part of this approval. Included but not limited to: closure of the existing Kent Brown entrance off County Rt. 64, a permanent easement provided to the Food Bank parcel at no cost, any easements required for the County to perform construction.
- It appears that this proposal is requesting a significant increase of impervious surface be added to the site, and at the same time there appears to be a significant decrease in the size of the drainage basin. The existing drainage basin was engineered by Hunt Engineering to determine its size for the February 2002 site plan amendment. The 2002 site plan amendment allowed for changes to the drainage basin and the Town was provided an engineered storm water management plan to verify that the drainage basin size would be adequate to handle the 2-year, 10-year, and 100-year, and 100-year 24-hour storm. This also was with respect to the site being held to the town zoning regulation of a maximum of 70% lot coverage. Any changes to the site need to require an engineered storm water plan to document that no impact or no adverse effects will be realized by the proposed changes to the site and drainage system.
- I recommend that the Planning Board utilize an engineering firm to review this proposal for the Town.

WHEREAS, the applicant has submitted revisions pursuant to Resolution P82-2006 requiring the following:

- A Traffic Impact Analysis shall be submitted to the Planning Board;
- A Storm Water Management Plan be submitted to the Planning Board;
- Square footage of the building floor area must be shown on the Site Plan; and

- *Bulk and Density* table showing existing and proposed compliance or noncompliance; and

WHEREAS, the adjacent property owners have been notified of this application pursuant to the Rules of the Planning Board; and

WHEREAS, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency having completed an uncoordinated review with informational notice and referral of this application having been given to:

- Chemung County Department of Public Works;
- Chemung County Health Department;
- Chemung County Sewer District;
- Chemung County Planning Board; and

WHEREAS, this application has been referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64 and who stated at their meeting of December 14, 2006 that they are favorable to the applicants' current proposals, subject to any approval conditions the Town Planning Board deems warranted; and

NOW, THEREFORE BE IT RESOLVED, prior to accepting revised documents as a *preliminary plat* and setting a public hearing on said plat pursuant to Section 16.08.030(C)(1) on February 6, 2007 at 6:35 PM or as soon thereafter as practical, the *applicant shall* submit the required revised documents pursuant to the letter from Larry Wagner, Big Flats Commissioner of Public Works;

AND FURTHER RESOLVED, due to the complexity of the application, this Board intends to hire a *consultant* to review the applicant's amended stormwater management plan, in particular the stormwater drainage and proposed changes to the site and drainage system identified by the Commissioner of Public Works above. A preliminary review cost estimate has been obtained for \$2,500 and pursuant to Chapter 2.12 of the *Town Municipal Code*, the *applicant shall* deposit funds (\$2,500) with the *Town* to pay for the expense of said *consultant* in the amount so estimated by the MRB Group; and

FURTHER RESOLVED, this Board recommends that the *Town* pursuant to Chapter 12 enter into an agreement with the MRB Group for services for an amount not to exceed \$2,500 to review drainage and stormwater management of the proposed site improvements; and

FURTHER RESOLVED, the consultant shall review the storm water management plan for compliance with local and state regulations, in particular ensuring that the proposed *development* will not pose a pollution/contamination risk to the public water supply located in vicinity to the project.

CARRIED:	AYES:	Younge, Stewart, Esty, Fleisher, Masler, Muir, Piersimoni
	NAYS:	None
	ABSENT:	Ormiston

Dated: Tuesday, January 2, 2007
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER
Chairman, Planning Board

**MARILYN A. BROWN SUBDIVISION
PRELIMINARY PLAT
TAX PARCELS #76.00-2-68/76.00-2-67**

Fleisher reviewed the preliminary plat and asked for comments, being none he asked for a motion to adopt the resolution.

**RESOLUTION P91-2007
MARILYN A. BROWN SUBDIVISION
PRELIMINARY PLAT
TAX PARCELS #76.00-2-68/76.00-2-67**

Resolution by: Piersimoni
Seconded by: Muir

WHEREAS, this Board has received an application from Marilyn Ann Brown, owner of tax parcels # 76.00-2-68 and 76.00-2-67, for subdivision approval of 80.9 acre parcel (#76.00-2-68) and re-subdivision of 0.344 acre parcel (#76.00-2-67) as shown on a survey map by Dennis J. Wieland, Licensed Surveyor, Job # 06358, dated August 16, 2006; and

WHEREAS, the parcels are located at 55 Rodaha Drive in the Residential Moderate Density (R1) district; and

WHEREAS, the applicant proposes to subdivide parcel #76.00-2-68 to create the following:

- Parcel B being 1.465 acres containing vacant land taken from parcel #76.00-2-68;
- Parcel C being 79.4 acres that would remain vacant land; and

WHEREAS, the applicant proposes to merge Parcel B with Parcel A to create the following:

- Parcel A (existing Tax Parcel 76.00-2-67) being 0.344 acres containing an existing residential use creating one parcel for a total of 1.809 acre parcel; and

WHEREAS, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel for a one unit dwelling with no water or sewer in the R1 district is 0.8 acres; and

WHEREAS, the adjacent properties owners have been notified pursuant to the Rules of the Planning Board; and

WHEREAS, that this application has been referred to Town of Corning and Steuben County pursuant to General Municipal Law 239-nn as this property is located within 500 feet of a municipal boundary; and

WHEREAS, this Board accepted the documentation in this application as a *Preliminary Plat* in accordance with Title 16 of the Town Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED, that this Board tables *final subdivision plat* approval in accordance with Title 16 of the Town Municipal Code until the required 30-day comment period for inter-municipal referral pursuant to General Municipal Law 239-nn has elapsed; and

FURTHER RESOLVED, that this board determines that a special meeting shall be held for consideration of comments received or not received by the Town of Corning and Steuben County and for *final plat* determination in accordance with Title 16 of the Town Municipal Code on Tuesday, January 23, 2007 at 6:30 PM.

CARRIED: **AYES:** Younge, Stewart, Esty, Fleisher, Masler, Muir, Piersimoni
 NAYS: None
 ABSENT: Ormiston

Dated: Tuesday, January 2, 2007
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER
Chairman, Planning Board

**STEVEN REYNOLDS SUBDIVISION
FINAL PLAT
TAX PARCEL #47.00-1-33.1**

Fleisher reviewed the final site plan. Being no further questions or comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P92-2007
STEVEN REYNOLDS SUBDIVISION
FINAL PLAT
TAX PARCEL #47.00-1-33.1**

Resolution by: Stewart
Seconded by: Masler

WHEREAS, this Board has received an application from Steven Reynolds, owner of tax parcels # 47.00-1-33.1, for subdivision approval of this 102.695 acre parcel as shown on a survey map by Weiler Associates, Licensed Land Surveyors, Job # 13058.01, dated July 20, 2004; and

WHEREAS, the parcels are located at 201 Chambers Road in the Rural Residential (RU) district; and

WHEREAS, the applicant proposes to subdivide parcel #47.00-1-33.1 to create the following:

- Parcel A being 39.781 acres containing agricultural land;
- Parcel B being 9.672 acres that would remain agricultural land and an existing vacant residence with two vacant out-building accessory structures;
- Parcel C being 9.577 acres containing agricultural land;

- Parcel D-1 being 5.147 acres containing agricultural land and three vacant out-building accessory structures with a silo; and
- Parcel D-2 being 38.518 acres containing agricultural land; and

WHEREAS, the applicant proposes to create the following:

- Combine Parcel A with Parcel B to result in one parcel containing a total of 49.453 acres along the west side of Chambers Road;
- Combine Parcel D-1 and Parcel D-2 to result in one parcel containing a total of 43.665 acres along the east side of Chambers Road; and
- Parcel C is to remain as a single parcel containing 9.577 acres; and

WHEREAS, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel for *general use* or *residential uses* within the RU district is 3 or 8 acres respectively; and

WHEREAS, the adjacent properties owners have been notified pursuant to the Rules of the Planning Board; and

WHEREAS, the Chemung County Planning Board, at its December 14, 2006 meeting, motioned to assent to local determination stating no intermunicipal or countywide interests impacted; and

NOW, THEREFORE, BE IT RESOLVED, that this Board approves the *preliminary subdivision plat* and accepts the *preliminary plat* as a *final subdivision plat*; and

FURTHER RESOLVED, that the final subdivision plat is approved subject to the following conditions:

- The applicant shall submit one (1) Mylar and (4) four-paper copies to the Planning Board secretary.
- The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of endorsement by the Planning Board Chair.
- Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code.

CARRIED:	AYES:	Younge, Stewart, Esty, Fleisher, Masler, Muir, Piersimoni
	NAYS:	None
	ABSENT:	Ormiston

Dated: Tuesday, January 2, 2007
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER
Chairman, Planning Board

**JEWISH CENTER & FOUNDATION
RE-SUBDIVISION PRELIMINARY/FINAL PLAT
TAX PARCEL #58.01-2-35.11**

Fleisher reviewed the re-subdivision preliminary/final plat and completed the Short Environmental Assessment Form. He then asked for comments.

Esty stated the map listed Brotter as the owner of the property and asked who owned the land. Scott Moore, representing the applicant stated the map was initially submitted by Brotter and they just used the same map.

Being no further comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P93-2007
JEWISH CENTER & FOUNDATION
RE-SUBDIVISION PRELIMINARY/FINAL PLAT
TAX PARCEL #58.01-2-35.11**

Resolution by: Younge
Seconded by: Esty

WHEREAS, this Board has received an application from the Jewish Center & Federation of the Twin Tiers, for subdivision approval of tax parcel # 58.01-2-35.11 as shown on a survey map by Weiler Associates, Job # 9315.08, dated August 29, 2006; and

WHEREAS, the parcel is located on Colonial Drive across from Arnot Road in the Business Regional (BR) district, and is owned by Ralph Brotter and the Jewish Center & Federation; and

WHEREAS, the original parcel (15.074 acres) was subdivided pursuant to Resolution P71-2006 and contained the following:

- Parcel B being 0.712 acres (31,015 square feet) being the proposed roadway,
- Parcel C being 6.173 acres containing vacant land,
- Parcel D being 3.181 acres containing vacant land,
- Parcel E being 5.008 acres containing vacant land; and

WHEREAS, the re-subdivision will create the following with Parcel A being 0.700 acres (30,490 square feet) containing vacant land and being subdivided from Parcel C being 6.173:

- Combining Parcel A with the following Parcels: Parcel B being 0.712 acres (31,015 square feet) being the proposed roadway, Parcel D being 3.181 acres containing vacant land and Parcel E being 5.008 acres containing vacant land all totaling 9.601 acres.
- Parcel C being 5.473 acres containing vacant land and being retained by the Jewish Center & Foundation; and

WHEREAS, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel in the Business Regional district is three acres (130,700 square feet); and

WHEREAS, the adjacent properties owners will be notified pursuant to the Rules of the Planning Board; and

WHEREAS, Section 16.04.020(K) of the Town Municipal Code permits the Planning Board to waive normal subdivision procedures if the proposed action consists solely of the simple alteration of lot lines with no major changes in *lot* sizes, access, proposed roads, sewage disposal systems and/or public facilities of which the present application constitutes minor alteration of lot lines and re-subdivision; and

WHEREAS, for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency having previously completed an uncoordinated review of said parcels pursuant to Resolution P71-2006; and

WHEREAS, based on review of Part 1 of the Short Environmental Assessment Form (EAF) of SEQRA completed by the applicant, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

WHEREAS, this Board waives the requirement for a public hearing pursuant to Section 16.04.020(K); and

WHEREAS, this Board waives the referral to Chemung County Planning pursuant to Section 16.04.020(K) in that this application covering said parcel was previously reviewed by the Chemung County Planning Board under Resolution P71-2006 which motioned at its September 28, 2006 meeting, to assent to local determination, stating no foreseeable adverse impacts upon intercommunity or countywide interests; and

WHEREAS, this Board accepts the documentation in this application as a *Preliminary Plat* in accordance with Title 16 of the Town Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED, that this Board approves the *preliminary subdivision plat* and accepts the preliminary plat as a *final subdivision plat*; and

FURTHER RESOLVED, that the final subdivision plat is approved subject to the following conditions:

- The applicant shall submit one (1) Mylar and (4) four-paper copies to the Planning Board secretary.
- The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of endorsement by the Planning Board Chair.
- Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code.

CARRIED:	AYES:	Younge, Stewart, Esty, Fleisher, Masler, Muir, Piersimoni
	NAYS:	None
	ABSENT:	Ormiston

Dated: Tuesday, January 2, 2007
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER

Chairman, Planning Board

**SIMMONS-ROCKWELL DEALERSHIP
CONCEPT SITE PLAN/SITE PLAN AMENDMENT AND RE-SUBDIVISION
TAX PARCELS #67.02-1-3/67.02-1-4/67.02-1-5 & 67.02-1-16**

Fleisher reviewed the concept site plan/site plan amendment and re-subdivision and asked for comments or questions.

Stewart asked why the applicant has not followed through with the plan approved approximately 2 years ago where a driveway was to become a service entrance and the area used for service. James Gensel, representing the applicant, explained that Simmons-Rockwell was waiting for approval from many different franchises to share a service area. Gensel went on to explain the proposed layout and plans for the dealership. Esty asked if this would be a return to the commitment Simmons-Rockwell made for an exclusive service area. Gensel stated it has always been the applicant's intention to follow through with the plan for the service area; they have just been using the square footage while other areas were being developed.

Fleisher asked if the cars being serviced will be privately owned or cars from the used car portion of the business. Gensel replied that the used cars purchased by Simmons-Rockwell are generally sent to another outside vendor for inspections, oil changes or other minor needs. The service area is mainly for privately owned vehicles purchased from Simmons-Rockwell.

Piersimoni asked if the applicant plans to submit current plans for the board to review. Gensel stated they would be submitting current plans, properties that are currently listed in different names are going to be merged under one owner. This process will be done as a quick-claim deed. Harding stated that under re-subdivision they would not necessarily have to go through re-subdivision procedures; the Planning Board could waive the procedure pursuant to Section 16.04.020(K).

Being no other comments, Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P94-2007
SIMMONS-ROCKWELL DEALERSHIP
CONCEPT SITE PLAN/SITE PLAN AMENDMENT AND RE-SUBDIVISION
TAX PARCELS #67.02-1-3/67.02-1-4/67.02-1-5 & 67.02-1-16**

Resolution by: Muir
Seconded by: Masler

WHEREAS, this Board has received an application from Simmons-Rockwell, a vehicle sales dealership, for a Site Plan Amendment and review regarding the construction of a new Simmons Rockwell Service Center (20,900 sq. ft.), as shown on a drawing by Fagan Engineers, Project #2003.060 dated March 4, 2004 and received December 27, 2006; and

WHEREAS, the 12.096-acre parcel and property is located on the south side of County Route 64, in the Business Regional (BR) district; and

WHEREAS, the existing GMC building is 14,266 square feet; and

WHEREAS, the applicant is proposing the demolition of 5,566 square feet from the rear (south) portion of the existing building and the construction of a 25,650 square feet service center addition resulting in a total structure size of the 34,350 square feet for a net increase of 20,084 square feet; and

WHEREAS, the subdivision portion of the action consists of the proposed re-subdivision of four parcels to create one parcel of 12.096 acres in total from the following:

- Tax Map #67.02-1-3 being 1.495 acres;
- Tax Map #67.02-1-4 being 5.001 acres;
- Tax Map #67.02-1-5 being 2.494 acres;
- Tax Map #67.02-1-16 being 3.106 acres; and

WHEREAS, pursuant to Section 17.16.020, the proposed *development* of the site is consistent with the requirements of the *Town Municipal Code* in both *bulk* and *density*; and

WHEREAS, the adjacent properties owners will be notified pursuant to the Rules of the Planning Board; and

FURTHER RESOLVED, that for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this application given to:

- Chemung County Health Department;
- Chemung County Sewer District;
- Chemung County Planning Board; and
- Chemung County Department of Public Works; and

NOW, THEREFORE BE IT RESOLVED, that this Board accepts the documents submitted in this application as a *Concept Plan* in accordance with Chapter 17.32 of the Town Municipal Code; and

FURTHER RESOLVED, that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64.

CARRIED:	AYES:	Younge, Stewart, Esty, Fleisher, Masler, Muir, Piersimoni
	NAYS:	None
	ABSENT:	Ormiston

Dated: Tuesday, January 2, 2007
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER
Chairman, Planning Board

MEMBERS COMMENTS:

Piersimoni stated she has an issue with the board waiving procedures to expedite applications. Harding replied there are some criteria within the subdivision regulations but the board may want to consider drafting some criteria to guide the board on what deviations from the site plan would not need full board approval.

Esty commented that during the Christmas season the entire Chambers Road/Route 64 interchange clearly failed. Stewart commented that during Christmas all shopping areas have traffic issues.

Harding introduced the new Planning Board secretary, Brenda Belmonte and asked the board to welcome her.

Fleisher reminded the board that the 18 meeting cap is arbitrary and if there is a need for additional meetings the board would have discretion to have additional meetings.

Harding stated the Hunters Run subdivision application has been withdrawn at this time. Fleisher explained they will be combining two phases and re-submitting the application.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 7:45 P.M.

Dated: Tuesday, January 2, 2007
BIG FLATS, NEW YORK

Respectfully Submitted

Sheree McGannon
Deputy Town Clerk

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF TUESDAY, JANUARY 23, 2007**

6:30 P.M.
REGULAR MEETING
Big Flats Community Center
Conference Room "D"

PRESENT: Mark Fleisher, Chair
Angela Piersimoni
Carl Masler
Lee Younge
Lance Muir
Scott Esty

ABSENT: James Ormiston
Bill Stewart

STAFF: Maureen Harding, Director of Planning
Brenda Belmonte, Planning Board Secretary

GUESTS: Kent Woloson

AGENDA

The Board agreed with the agenda as presented.

MINUTES

Fleisher asked if there were corrections before accepting and approving the minutes of January 2, 2007. Piersimoni requested the word "containing" be removed from page 7 regarding Resolution P91-2007, Parcel C, and the word "if" be changed to "of" on page 11 regarding Resolution P23-2007, environmental review. Esty made a motion to accept and approve the minutes of January 2, 2007, as amended, seconded by Muir. All were in favor, motion carried.

MARILYN A. BROWN SUBDIVISION
FINAL PLAT
TAX PARCELS #76.00-2-68/76.00-2-67

Fleisher reviewed the final plat and asked for comments, being none he asked for a motion to adopt the resolution.

RESOLUTION P95-2007
MARILYN A. BROWN SUBDIVISION
FINAL PLAT
TAX PARCELS #76.00-2-68/76.00-2-67

Resolution by: Younge
Seconded by: Muir

WHEREAS, this Board has received an application from Marilyn Ann Brown, owner of tax parcels # 76.00-2-68 and 76.00-2-67, for subdivision approval of 80.9 acre parcel (#76.00-2-68) and re-subdivision of 0.344 acre parcel (#76.00-2-67) as shown on a survey map by Dennis J. Wieland, Licensed Surveyor, Job # 06358, dated August 16, 2006; and

WHEREAS, the parcels are located at 55 Rodaha Drive in the Residential Moderate Density (R1) district; and

WHEREAS, the applicant proposes to subdivide parcel #76.00-2-68 to create the following:

- Parcel B being 1.465 acres containing vacant land taken from parcel #76.00-2-68;
- Parcel C being 79.4 acres that would remain containing vacant land; and

WHEREAS, the applicant proposes to merge Parcel B with Parcel A to create the following:

- Parcel A (existing Tax Parcel 76.00-2-67) being 0.344 acres containing an existing residential use creating one parcel for a total of 1.809 acre parcel; and

WHEREAS, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel for a one unit dwelling with no water or sewer in the R1 district is 0.8 acres; and

WHEREAS, this application complies with the Bulk and Density Control Schedule of the Town of Big Flats Zoning Law; and

WHEREAS, that this application has been referred to Town of Corning and Steuben County pursuant to General Municipal Law 239-nn as this property is located within 500 feet of a municipal boundary; and

WHEREAS, this Board has allowed the required 30-day comment period for inter-municipal referral pursuant to General Municipal Law 239-nn to elapse and said municipalities have offered no comments; and

WHEREAS, this Board has accepted and approved the documentation in this application as a *Preliminary Plat* in accordance with Title 16 of the Town Municipal Code and pursuant to Resolution P91-2007; and

NOW, THEREFORE, BE IT RESOLVED, that this Board accepts the preliminary plat as a *final subdivision plat*; and

FURTHER RESOLVED, that the final subdivision plat is approved subject to the following conditions:

- The applicant shall submit one (1) Mylar and (4) four-paper copies to the Planning Board secretary.
- The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of endorsement by the Planning Board Chair.
- Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code.

CARRIED: **AYES:** Younge, Esty, Fleisher, Muir, Masler, Piersimoni
 NAYS: None
 ABSENT: Ormiston, Stewart

Dated: Tuesday, January 23, 2007
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER
Chairman, Planning Board

MEMBERS COMMENTS: None

Since there was no further business to come before the Planning Board, the meeting was adjourned at 6:37 P.M.

Dated: Tuesday, January 23, 2007
BIG FLATS, NEW YORK

Respectfully Submitted

Brenda Belmonte
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF TUESDAY, FEBRUARY 6, 2007**

6:30 P.M.
REGULAR MEETING
Big Flats Community Center
Conference Room "D"

PRESENT: Mark Fleisher, Chair
Angela Piersimoni
Carl Masler
Lee Younge
Scott Esty
Lance Muir

ABSENT: James Ormiston
Bill Stewart

STAFF: Maureen Harding, Director of Planning
Brenda Belmonte, Planning Board Secretary

GUESTS: Frank Kramarik, Ron Sherman, Richard Rossettie, Kent Brown, Tim Steed

AGENDA

The Board agreed with the agenda as presented.

MINUTES

Fleisher asked if there were corrections before accepting and approving the minutes of January 23, 2007. Muir made a motion to accept and approve the minutes of January 23, 2007, seconded by Esty. All were in favor, motion carried.

PUBLIC HEARING
KENT BROWN REALTY GROUP/COUNTY ROUTE 64, INC.
RE-SUBDIVISION PRELIMINARY PLAT
TAX PARCELS #58.03-1-56/58.03-1-58

Chair Fleisher called the Public Hearing to order at 6:32 P.M. He noted the Public Hearing was duly published in the Elmira Star-Gazette. He then went on to describe details of the proposed action. He further stated that the purpose of the Public Hearing was to receive public comments on the application that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None
AGAINST: None
COMMENTS: None

Fleisher closed the Public Hearing at 6:33P.M. to reconvene the regular business portion of the meeting.

**KENT BROWN REALTY GROUP/COUNTY ROUTE 64, INC.
RE-SUBDIVISION PRELIMINARY PLAT
TAX PARCELS #58.03-1-56/58.03-1-58**

Fleisher reviewed the preliminary plat. Fleisher then asked for comments or questions. Lee Younge asked what the “letter form certification” language meant.

Ron Sherman, of the MRB Group, and Consultant for the Town stated that basically what is meant is that a licensed engineer would need to inspect to ensure that project is constructed to what is approved by the Planning Board.

Scott Esty asked if requirements were just documentation revisions or were the requested revisions substantial changes in construction requirements.

Sherman responded that the revisions were changes to documentation and simply intended for diligent efforts at crossing T’s and dotting I’s.

Tim Steed, Consultant for the Applicant from Hunt Engineers explained in detail the differences in the new design of the stormwater system in contrast to the old design. The old design is very conservative and the new design, though smaller, will be sufficient to handle the stormwater runoff as a result of the proposal.

Sherman affirmed that the new design for the stormwater system will be adequate and that no adverse impacts will result from the project regarding stormwater runoff.

Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P96-2007
KENT BROWN REALTY GROUP/COUNTY ROUTE 64, INC.
RE-SUBDIVISION PRELIMINARY PLAT
TAX PARCELS #58.03-1-56/58.03-1-58**

Resolution by: Esty
Seconded by: Younge

WHEREAS, this Board has received an application from Kent Brown Realty Group and County Route 64, Inc., owners of tax parcels #58.03-1-56 and 58.03-1-58 for re-subdivision approval; and

WHEREAS, the property is located at 951 County Route 64 in the Business Regional (BR) district; and

WHEREAS, the current parcels are owned separately by Kent Brown Realty Group and County Route 64 Group; and

WHEREAS, the applicants propose to merge *Tax Parcels* 58.03-1-56 and 58.03-1-58 into one parcel under the ownership of both Kent Brown Realty Group and County Route 64 Group; and

WHEREAS *parcel* # 58.03-1-56 (3.201 acres) presently consists of the existing dealership and drainage swale and *parcel* #58.03-1-58 (0.692 acres) presently consists of a vacant parcel. The *re-subdivision* of these *parcels* will create one *parcel* containing approximately 3.893 acres; and

WHEREAS, the addition of a new driveway entrance will require the closing of the existing driveway entrance to facilitate a shared driveway access to Kent Brown Toyota and the Food Bank (Tax Parcel #58.03-1-52.1) from the construction of a new 4-way signalized entrance to the recently constructed Target; and

WHEREAS, the Town of Big Flats Commissioner of Public Works in a letter dated December 21, 2006 submitted comments requesting that the Planning Board utilize an engineering firm to review this proposal for the Town; and

WHEREAS, due to the complexity of the application, this Board has entered into an agreement with the MRB Group for services to review drainage and stormwater management of the proposed site improvements, in particular the stormwater drainage and proposed changes to the site and drainage system identified by the Commissioner of Public Works; and

WHEREAS, the Consultant for the MRB Group has submitted comments in a letter dated January 15, 2007 regarding said stormwater management plan and drainage improvements to the Director of Planning, Code and Building Inspection; and

WHEREAS, the applicant has addressed said comments and submitted on January 17, 2007 to the MRB Group consultant in a revised document; and

WHEREAS, the consultant for the MRB Group has submitted a letter dated January 26, 2007 to the Director of Planning, Code and Enforcement indicating that all comments regarding the updates to the stormwater management and drainage plan have been sufficiently addressed with the exception of the following recommended drawing and report revisions:

- On drawing C-1 on of the 12-inch collection pipes and both pond overflows are not called out as perforated.
- Detail 3 o Sheet C-1 should also be clarified to specify perforated pipe plus AASHTO perforation class and configuration; require the crushed stone bedding be washed; and the stone minimum void ratio specified.
- Assuming a 3' wide trench bottom and allowing for the 40% crushed stone void specified elsewhere, there appears to be adequate trench bottom area to compensate for the bottom area of the two ponds, if the trench area for all the new pipe is considered. This should be verified in the report.
- The T1 and T2 elevations should be deleted or struck through and initiated if not pertinent to this design.
- Inspection requirements have been added to sheet C-2, Detail 1. We recommend that note 2 be expanded to include all material used for stormwater storage or conveyance that specifies a 40% void ration.
- The letter form construction certification or statement of professional opinion by a NYS licensed professional engineer may be a condition of site plan approval.

WHEREAS, the MRB consultant comments have been submitted to the applicant's engineer, Timothy Steed of Hunt Engineers on behalf of the Town of Big Flats; and

WHEREAS, the applicant has submitted a traffic impact analysis dated December 27, 2006 indicating negligible traffic impact as a result of the proposed action; and

WHEREAS, for environmental review purposes this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency having completed an uncoordinated review with informational notice and referral of this application having been given to:

- Chemung County Department of Public Works;
- Chemung County Health Department;
- Chemung County Sewer District;
- Chemung County Planning Board; and

WHEREAS, that based on the review of the Part 2 of the SEQRA Short Environmental Assessment Form completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

NOW, THEREFORE BE IT RESOLVED, having held a public hearing on said plat pursuant to Section 16.08.030(C)(1) on February 6, 2007, this board accepts the documents submitted in this application as a *preliminary plat*; and

FURTHER RESOLVED, that the *preliminary plat* is approved subject to the following conditions and must be shown on drawings submitted to the Planning Board before *final plat approval* can be granted:

- Pursuant to Section 16.08.030 (B)(2), which states that the applicant must provide the following:
 - “A copy of such proposed covenants or deed restrictions as are intended to cover all or part of the tract,” specifically as it applies to the Food Bank easement(s) and the County to do the construction provided to them at no cost pursuant to Resolution P90-2007 for the new shared driveway access.
- A clarification on the site plan and subdivision plat of the existing versus proposed driveway entrance off Fisherville Road.
- A landscaping plan showing the percentages of the area devoted to off-road parking landscaped islands or other landscaping areas with lawn, trees, shrubs or other plant materials pursuant to Section 17.48.010 (J) of the Town of Big Flats Zoning Law.
- All requested revisions by the MRB Group pursuant to the letter dated January 26, 2007 to the Director of Planning and submitted to the engineer for the applicant shall be addressed and submitted for review by the MRB Group and Consultant for the Town for this proposed action.
- The letter form construction certification or statement of professional opinion by a NYS licensed professional engineer shall be a condition of site plan approval.

FURTHER RESOLVED, that this board having accepting revised documents as a *preliminary plat*, and prior to accepting documents and approving as *final plat* hereby set a public hearing pursuant to Section 16.08.040(E) on March 6, 2007 at 6:35 PM or as soon thereafter as practical; and

CARRIED:	AYES:	Younge, Esty, Fleisher, Masler, Muir, Piersimoni
	NAYS:	None
	ABSENT:	Stewart, Ormiston

Dated: Tuesday, February 6, 2007
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER
Chairman, Planning Board

**ABQ HOME IMPROVEMENTS LLC/BOBBY K
CONCEPT SITE PLAN AMENDMENT
TAX PARCEL #66.04-1-6**

Fleisher reviewed the concept plan. Esty questioned what had been approved previously. Maureen Harding, Director of Planning, replied that three principal structures had been approved. She explained that due to the town's policy on storage pods Bobby K was cited for illegal accessory structures; therefore, the proposed expansion would be replacing those pods.

**RESOLUTION P97-2007
ABQ HOME IMPROVEMENTS LLC/BOBBY K
CONCEPT SITE PLAN AMENDMENT
TAX PARCEL #66.04-1-6**

Resolution by: Piersimoni
Seconded by: Masler

WHEREAS, this Board has received an application for Site Plan approval from ABQ Home Improvements, representative of Robert Kramarik of Bobby K's for a proposed expansion of pole barn used for storage on tax parcel #66.04-1-6 (5.14 acres) as shown in documents received January 2, 2007; and

WHEREAS, the property is located at 81 Canal Street in the Town Center (TC) district;

WHEREAS, the *principal use* of *Office, General Business* is a permitted use in the TC district; and

WHEREAS, the property is serviced by public water and has a private septic system; and

WHEREAS, pursuant to resolutions P112-2003, P14-2000 and P73-97, three principal structures were approved by the Town of Big Flats Planning Board respectively; and

WHEREAS, the applicant proposes an expansion of 2,500 square feet to one of three existing principals structures (1,500 square feet each totaling 4,500 square feet); and

WHEREAS, pursuant to Section 17.16.020, the proposed *development* of the site is consistent with the requirements of the *Town Municipal Code* in both *bulk* and *density*; and

WHEREAS, the adjacent property owners have been notified of this application pursuant to the Rules and procedures of the Planning Board; and

WHEREAS, this application has been referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 17 (Maple Street); and

WHEREAS, that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review having sent notice and referrals of said application to the following:

- Chemung County Department of Health
- Chemung County Planning Board
- Chemung County Department of Public Works
- New York State Department of Transportation

WHEREAS, James E. Clements of the NYS Department of Transportation has responded in a letter dated January 29, 2007 to the Director of Planning stating:

- It appears that the action will not impact Department Right-of-Way.
- If it is determined that there will be impacts to our ROW, a Highway Work Permit will be required; and

WHEREAS, correspondence was received from the acting Chemung County Commissioner of Public Works, Murl Sebring, dated January 22, 2007 stating that he had no comment on the project at this time; and

NOW, THEREFORE BE IT RESOLVED, to accept the documents submitted in this application as a *Concept Plan*.

CARRIED:	AYES:	Younge, Esty, Fleisher, Masler, Muir, Piersimoni
	NAYS:	None
	ABSENT:	Ormiston, Stewart

Dated: Tuesday, February 6, 2007
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER
Chairman, Planning Board

MEMBERS COMMENTS:

- Muir asked if Larry Wagner, Commissioner of Public Works, had been made aware of the MRB Group comments regarding the revised documents presented by Hunt Engineers for the Kent Brown Toyota project. Harding replied that Larry would be given the comments for review and these would be discussed at the next staff meeting.

- Esty asked about the Roy Gravel Mine status. Harding replied that they should be operating now and that all permits and approvals have been granted by the Town Board, Town Planning Board, and DEC.
- Angela Piersimoni asked about the training requirements form. Younge explained that she had been given the form by the Regional Planning & Development Board who asked that we adopt it in our town.
- Harding stated that a draft intermunicipal agreement had been sent to the County for review and comment so that the Town Planning Board and County Planning Board could waive referrals that did not impact county right of ways in terms of minor subdivision or site plan review.
- Harding also asked that Planning Board members please stop by the Department Office from time to time to check their mailboxes.
- Esty asked about the status of the proposed vacant structure law. Chair Mark Fleisher explained that it had been revised as a result of collaboration between the County, Towns of Big Flats, Horseheads, Southport and Village of Horseheads to be more palatable in terms of how to address vacant structures. He went on to explain that the committee concerned would likely meet one more time and the result would be an intermunicipal shared agreement.
- Piersimoni asked if the “staff meeting” dates on for the new schedule was new. Harding replied that yes it was, and it was now an improvement in staff review since it ensured a target date for all staff to comment and review proposals all at once.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 7:10P.M.

Dated: Tuesday, February 6, 2007
BIG FLATS, NEW YORK

Respectfully Submitted

Brenda Belmonte
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF TUESDAY, MARCH 6, 2007**

6:30 P.M.
REGULAR MEETING
Big Flats Community Center
Conference Room "D"

PRESENT: Mark Fleisher, Chair
Lee Younge
Angela Piersimoni
Carl Masler
Bill Stewart

ABSENT: James Ormiston
Lance Muir
Scott Esty

STAFF: Ron Sherman, P.E. Eric Corey, Code Enforcement Officer
Dean Frisbie, Town Board Member Brenda Belmonte, Planning Board Secretary

GUESTS: Tim Steed, Frank Kramarik, Karl Schwesinger

AGENDA

The Board agreed with the agenda as presented.

MINUTES

Fleisher asked if there were corrections before accepting and approving the minutes of February 6, 2007. Younge made a motion to accept and approve the minutes of February 6, 2007, seconded by Piersimoni. All were in favor, motion carried.

PUBLIC HEARING

KENT BROWN REALTY GROUP/COUNTY ROUTE 64, INC.
RE-SUBDIVISION FINAL PLAT
TAX PARCELS #58.03-1-56/58.03-1-58

Chair Fleisher called the Public Hearing to order at 6:32 P.M. He noted the Public Hearing was duly published in the Elmira Star-Gazette. He then went on to describe details of the proposed action. He further stated that the purpose of the Public Hearing was to receive public comments on the application that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None
AGAINST: None
COMMENTS: None

Fleisher closed the Public Hearing at 6:34 P.M. to reconvene the regular business portion of the meeting.

4/4/2007 2:11 PM

**KENT BROWN REALTY GROUP/COUNTY ROUTE 64, INC.
RE-SUBDIVISION FINAL PLAT
TAX PARCELS #58.03-1-56/58.03-1-58**

Fleisher reviewed the *Re-Subdivision Final Plat* and completed the Short Environmental Assessment Form.

Fleisher then asked for comments or questions. There being none he asked for a motion to adopt the resolution.

**RESOLUTION P98-2007
KENT BROWN REALTY GROUP/COUNTY ROUTE 64, INC.
RE-SUBDIVISION FINAL PLAT
TAX PARCELS #58.03-1-56/58.03-1-58**

Resolution by: Stewart

Seconded by: Piersimoni

WHEREAS, this Board has received an application from Kent Brown Realty Group and County Route 64, Inc., owners of tax parcels #58.03-1-56 and 58.03-1-58 for re-subdivision approval; and

WHEREAS, the property is located at 951 County Route 64 in the Business Regional (BR) district; and

WHEREAS, the *principal use* of vehicle sales/lease is a permitted use in the Business Regional (BR) district; and

WHEREAS, the current parcels are owned separately by Kent Brown Realty Group and County Route 64 Group; and

WHEREAS, the applicants propose to merge *Tax Parcels* 58.03-1-56 and 58.03-1-58 into one parcel under the ownership of both Kent Brown Realty Group and County Route 64 Group; and

WHEREAS *parcel* # 58.03-1-56 (3.201 acres) presently consists of the existing dealership and drainage swale and *parcel* #58.03-1-58 (0.692 acres) presently consists of a vacant parcel. The *re-subdivision* of these *parcels* will create one *parcel* containing approximately 3.893 acres; and

WHEREAS, the addition of a new driveway entrance will require the closing of the existing driveway entrance to facilitate a shared driveway access to Kent Brown Toyota and the Food Bank (Tax Parcel #58.03-1-52.1) from the construction of a new 4-way signalized entrance to the recently constructed Target; and

WHEREAS, the consultant for the MRB Group has submitted a letter dated January 26, 2007 to the Director of Planning, Code and Enforcement indicating that all comments regarding the updates to the stormwater management and drainage plan have been sufficiently addressed with the exception of the following recommended drawing and report revisions:

- On drawing C-1 on of the 12-inch collection pipes and both pond overflows are not called out as perforated.
- Detail 3 o Sheet C-1 should also be clarified to specify perforated pipe plus AASHTO perforation class and configuration; require the crushed stone bedding be washed; and the stone minimum void ratio specified.

Planning Board Meeting Minutes for March 6, 2007

- Assuming a 3' wide trench bottom and allowing for the 40% crushed stone void specified elsewhere, there appears to be adequate trench bottom area to compensate for the bottom area of the two ponds, if the trench area for all the new pipe is considered. This should be verified in the report.
- The T1 and T2 elevations should be deleted or struck through and initiated if not pertinent to this design.
- Inspection requirements have been added to sheet C-2, Detail 1. We recommend that note 2 be expanded to include all material used for stormwater storage or conveyance that specifies a 40% void ration.
- The letter form construction certification or statement of professional opinion by a NYS licensed professional engineer may be a condition of site plan approval.

WHEREAS, the applicant has submitted revisions addressing the comments by the MRB Group and consultant for the Town as stated above on February 19, 2007, and

WHEREAS, the Town of Big Flats Department of Planning and Department of Public Works staff have determined that revisions are now complete satisfactory to both departments, and

*****Approval will not be granted until the items below have been received by the Department of Planning:**

WHEREAS, the applicant has submitted a copy of a permanent easement for Tax Parcel #58.03-1-52.1 to the Director of Planning showing that the construction of the driveway entrance is being provided at no cost to said parcel owner and an easement provided to the County of Chemung to perform construction of the shared driveway entrance; and

Angela Piersimoni addressed a letter from James Ormiston, Planning Board Member, who is out of town regarding the co-owned entrance.

Fleisher stated that this issue does not pertain to the resolution.

NOW, THEREFORE BE IT RESOLVED, having held a public hearing on said plat pursuant to Section 16.08.030(D) on March 6, 2007, this board accepts the documents submitted in this application as a *preliminary plat*; and

FURTHER RESOLVED, that the *preliminary plat* is approved and accepted as *final plat* subject to the following conditions:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **Infrastructure** – All required approvals and permits shall be secured prior to construction of any infrastructure for the development.
3. **Stormwater Management** – Prior to construction of the stormwater management system relative hereto, the applicant shall obtain a SPDES permit pursuant to Phase II stormwater regulations. A copy of said approval shall be submitted to the Code Enforcement office stating that it shall be maintained in perpetuity by the owner.
4. **As-Built Drawing Requirements** – No Certificate of Occupancy shall be issued until all as-builts for all improvements associated with the project have been filed with the Town of Big Flats in paper and electronic format. Such as-builts shall be certified by a professional engineer.
5. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.

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6. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday.
7. **Fugitive Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or by acceptable best management practices. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
8. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
9. **Signs** – All signs shall comply with the requirements of Chapter 17.52 of the Town Municipal Code.
10. **Parking Area Requirements** – Pursuant to Town of Big Flats Zoning Law, parking of vehicles for repair or sales shall be confined to impervious surfaces only and shall not be parked or stored in required yards, setbacks, vegetated or grass areas of the parcel.
11. **Reclamation of Disturbed Areas due to Construction** – All areas previously disturbed by construction activity shall be re-seeded until vegetation is well established so that areas of impervious surfaces are well delineated from vegetation to protect sufficient drainage facility and groundwater quality.
12. **Property Maintenance** – The property shall be maintained pursuant to state and local property maintenance laws.
13. **Landscaping** – All landscaping shall be maintained in perpetuity.
14. **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 Outdoor Lighting Requirements; and
15. **Certificate of Occupancy** – Prior to issuance of any certificate of occupancy the site engineer shall certify in writing that the completed work conforms substantially to the approved site plan.

AYES: Fleisher, Persimoni, Masler, Younge, Stewart

NAYES: None

ABSENT: Ormiston, Esty, Muir

Dated: Tuesday, March 6, 2007

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER

Chairman, Planning Board

ABQ HOME IMPROVEMENTS LLC/BOBBY K

PRELIMINARY/FINAL SITE PLAN SITE PLAN AMENDMENT

TAX PARCEL #66.04-1-6

Fleisher reviewed the Final Site Plan and completed the Short Environmental Assessment Form. Fleisher then asked for comments or questions.

Eric Corey, Code Enforcement Officer, commented that based on interpretation of the *Local Zoning Law*, the actual principal use of the property is the building which houses the offices, and that the proposed expansion will be added to the 2 accessory pole structures, not the principal use building.

Fleisher responded that this was reviewed in the original application, and that all 3 buildings were considered general use.

4/4/2007 2:11 PM

Younge also recalled that all 3 buildings were considered principal use, but questioned what would change if this were not the case.

Corey responded that a variance would then be required.

Angela Piersimoni commented that the original application shows the building is to be used for storage, however in the *Final Site Plan Amendment* it is being stated the building use will be *Principal* or *General Business*, and that the 2 do not agree.

Corey responded that, again, his comments were based on his interpretation of the Zoning Law, however he understood that the ruling had already been made.

Fleisher commented that in this case the storage was part of the general business.

Frank Kramarik stated that during the last meeting his application was reviewed and resolved in detail, specifically the primary use and storage.

Younge agreed, and recalled the use issue was addressed at the time of the previous application.

Fleisher stated that the previous applications were approved based on the Code that existed at that time.

Kramarik noted that the main purpose of this expansion is to replace the previous storage pods.

Ron Sherman, along with Fleisher and Kramarik concurred that their recollection was that the entire issue was addressed at the previous meeting at the Town Hall, and the storage guidelines did not apply due to the application being considered under primary use.

Piersimoni questioned how many buildings would be allowed in the future.

Corey responded, based on the percentage of lot coverage, future building would be permitted to continue until the maximum percentage allowed by *Local Zoning Law* was reached.

Fleisher asked for a motion to adopt the resolution.

RESOLUTION P99-2007

**ABQ HOME IMPROVEMENTS LLC/BOBBY K
PRELIMINARY/FINAL SITE PLAN AMENDMENT
TAX PARCEL #66.04-1-6**

Resolution by: Fleisher
Seconded by: Masler

WHEREAS, this Board has received an application for Site Plan approval from ABQ Home Improvements, representative of Robert Kramarik of Bobby K's for a proposed expansion of pole barn used for storage on tax parcel #66.04-1-6 (5.14 acres) as shown in documents received January 2, 2007; and

WHEREAS, the property is located at 81 Canal Street in the Town Center (TC) district;

WHEREAS, the *principal use* of *Office, General Business* is a permitted use in the TC district; and

WHEREAS, the property is serviced by public water and has a private septic system; and
4/4/2007 2:11 PM

WHEREAS, pursuant to resolutions P112-2003, P14-2000 and P73-97, three principal structures were approved by the Town of Big Flats Planning Board respective; and

WHEREAS, the applicant proposes an expansion of 2,500 square feet to one of three existing principals structures (1,500 square feet each totaling 4,500 square feet); and

WHEREAS, pursuant to Section 17.16.020, the proposed *development* of the site is consistent with the requirements of the *Town Municipal Code* in both *bulk* and *density*; and

WHEREAS, the adjacent property owners have been notified of this application pursuant to the Rules and procedures of the Planning Board; and

WHEREAS, this application has been referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of Canal Street and who stated at their meeting of February 15, 2007 that they are favorable to the applicants' current proposals, subject to any approval conditions the Town Planning Board deems warranted; and

WHEREAS, that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review having sent notice and referrals of said application to the following:

- Chemung County Department of Health
- Chemung County Planning Board
- Chemung County Department of Public Works
- New York State Department of Transportation

WHEREAS, that based on the review of the Part 2 of the SEQRA Short Environmental Assessment Form completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

NOW, THEREFORE BE IT RESOLVED, to accept the documents submitted in this application as a *preliminary plan*.

AND FURTHER RESOLVED, that this Board approves the documents submitted as a Preliminary Plan, and the *Preliminary Plan* is accepted as the *Final Plan*;

AND FURTHER RESOLVED, that the *Final Plan* is approved subject to the following conditions:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **Infrastructure** – All required approvals and permits shall be secured prior to construction of any infrastructure for the development.
3. **As-Built Drawing Requirements** – No Certificate of Occupancy shall be issued until all as-builts for all improvements associated with the project have been filed with the Town of Big Flats. The applicant shall provide to the Town of Big Flats final paper drawings certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan.
4. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.
5. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday.

Planning Board Meeting Minutes for March 6, 2007

6. **Fugitive Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or by acceptable best management practices. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
7. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
8. **Signs** – All signs shall comply with the requirements of Chapter 17.52 of the Town Municipal Code.
9. **Parking Area Requirements** – Pursuant to Town of Big Flats Zoning Law, parking shall be confined to impervious surfaces only and shall not be parked or stored in required yards, setbacks, vegetated or grass areas of the parcel.
10. **Reclamation of Disturbed Areas due to Construction** – All areas previously disturbed by construction activity shall be re-seeded until vegetation is well established so that areas of impervious surfaces are well delineated from vegetation to protect sufficient drainage facility and groundwater quality.
11. **Property Maintenance** – The property shall be maintained pursuant to state and local property maintenance laws.
12. **Landscaping** – All landscaping shall be maintained in perpetuity.
13. **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 Outdoor Lighting Requirements.
14. **Certificate of Occupancy** – Prior to issuance of any certificate of occupancy the site engineer shall certify in writing that the completed work conforms substantially to the approved site plan.

CARRIED:

AYES: Fleisher, Younge, Stewart, Masler

NAYS: Piersimoni

ABSENT: Ormiston, Esty, Muir

Dated: Tuesday, March 6, 2007

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER

Chairman, Planning Board

SIMMONS-ROCKWELL DEALERSHIP

PRELIMINARY SITE PLAN/SITE PLAN AMENDMENT AND RE-SUBDIVISION

TAX PARCELS #67.02-1-3/67.02-1-4/67.02-1-5 & 67.02-1-16

Fleisher reviewed the Preliminary Site Plan and completed the Short Environmental Assessment Form. Fleisher then asked for comments or questions.

Fleisher questioned if the resolution was being prematurely submitted considering the County was requesting a traffic impact study.

Ron Sherman responded the traffic study had in fact been completed, submitted and voted in favor of at the Chemung County Planning Board meeting on February 15th as evidenced in their meeting minutes.

Planning Board Meeting Minutes for March 6, 2007

Karl Schwesinger, P.E., of Fagan Engineers explained that the main water line to the new GMC building was not shown on the drawings since the architect had not yet located where the sprinkler system will come in. He also stated that the sign on the drawing is the same sign that had been previously approved, and that two signs would be added: an *Enter* sign in front, and a *Service* sign that would be at the second driveway service entrance.

Fleisher questioned whether the signs would be sized in accordance with the code.

Schwesinger replied that the board had previously approved the sizes.

Stewart inquired as to how many cars would be for sale on the *Service Center* lot.

Fleisher and Younger both answered presumably none.

Stewart questioned as to how the town would enforce this.

Fleisher noted that this is a *Preliminary Plan* and that the issue of having no cars for sale on the *Service Center* lot could be entered as a condition of approval on the *Final Site Plan*.

Corey stated that the plan still showed numerous amounts of parking areas. He also commented that this was a very sensitive issue.

Fleisher commented, from the standpoint of enforcement, that cars on the lot with sticker prices on them are for sale and not there to be serviced.

Stewart stated that at this point it is a GMC lot, which it was never intended to be, and there would need to be terminology in the *Final Plan* concerning enforcement. He further commented that if car sales were allowed in that area there would be more traffic at that entrance.

Fleisher agreed and suggested that, assuming the Final Approval was to be taken up at the next meeting, it would be beneficial to contact a representative from Simmons Rockwell or their attorney to iron out the situation. He commented, once again, in order for the sales / service issue to be enforced it would need to be entered as a condition in the *Final Site Plan*.

Dean Frisbee, Town Board Member, noted that it would be a difficult to establish which cars were parked on the lot for sales, and which for service.

Fleisher agreed, and commented on how narrowly *service* would need to be defined in the resolution as to the specific reason cars were on that lot.

Schwesinger inquired as to whether cars for sale would be allowed to be parked in the front along County Route 64 where people would see them as they drive by.

Stewart answered that this would be attracting more traffic to the area, that this lot was originally designated for service, and, in his opinion, cars for sale would *not* be allowed to park along County Route 64. He stated that he would like Simmons Rockwell to adhere to the original plan. He further commented that although a new 2007 vehicle would not be parked in a service lot, that is what appears to be there at this point.

Ron Sherman questioned Schwesinger as to whether the original intent was to park cars for sale along the front on County Route 64.

Schwesinger replied that the reason he was inquiring was because he presumed Simmons Rockwell would ask him whether cars for sale could be parked in that area.

Planning Board Meeting Minutes for March 6, 2007

Sherman responded that as far as he was concerned, if that was the original intent, they would need to revise the application along with the traffic analysis.

Fleisher agreed, and replied the traffic analysis would need to be revised to reflect the fact that they would be selling cars there.

Young questioned who, if anyone, was agreeing to the parking along the front.

Both Fleisher and Sherman responded that no one was agreeing to this. Fleisher added that if they are going to park cars along the front, the traffic analysis and application are no longer valid because they only reflect work being done in the service area. He also noted that the *Planning Board* is not agreeing to having cars for sale in that area. However if the intent is to sell cars in that area perhaps we should begin by completing a new application or revising the current one.

Corey replied, as it stands now, according to the *Code*, he could go to the car dealership's showroom and request that all cars be removed because the application states the area as being a *Service Center*. He also recalled that two years ago the application was passed as a *Service Center*.

Fleisher agreed, and responded that the original drawing is dated March of 2004.

Younge suggested that Schwesinger take the information from this discussion back to Simmons Rockwell. She also stated the County Planning Board was very concerned about the internal traffic issues; that cars will be driving through the lot to get to the service area leading to more congestion.

Stewart stated that in his opinion, the best solution would be to move the proposed *Service Center* to the front of the building. He admitted that parking cars for sale along the front of the lot was good strategy, but being straightforward and communicating that with the Planning Board would have been appreciated.

Sherman questioned whether used cars come in and go directly to the service center.

Stewart responded, no, that nothing is done to the used cars until they are sold.

Sherman then asked if there were any numbers justifying the amount of slots relative to their service area.

Schwesinger said he did not know the answer to that question.

Fleisher stated again, sometime before the next meeting, to consider putting the required conditions in the resolution regarding sales and service of cars in the specified area.

Stewart mentioned that in his line of work, when you are penalized financially for a wrongdoing, people pay attention, and that just asking to have the cars moved does not seem to work.

Frisbee remarked that it would be difficult to distinguish which cars are not going to be serviced.

Masler replied if the intent for that lot is sales and service in that area, then he also agreed that the current traffic study is invalid, along with the application.

Fleisher recommended that someone from Simmons Rockwell attend the next meeting to review the details and that this meeting was just the preliminary plat. The next meeting would be final, and we would continue from that point.

Stewart questioned whether the town's attorney Tom Reed should be involved with this matter.

Fleisher responded probably, and that the representative from Simmons should also attend the next Executive Committee Meeting which will be held Wednesday, March 21st at 1:00 in the Town Hall to review the details before the resolution is written.

He then asked if there was any further discussion.

Piersimoni replied they should be made to somehow justify the number of spaces being used in the proposed service area.

RESOLUTION P100-2007

SIMMONS-ROCKWELL DEALERSHIP

PRELIMINARY SITE PLAN/SITE PLAN AMENDMENT AND RE-SUBDIVISION

TAX PARCELS #67.02-1-3/67.02-1-4/67.02-1-5 & 67.02-1-16

Resolution by: Younge

Seconded by: Masler

WHEREAS, this Board has received an application from Simmons-Rockwell, a vehicle sales dealership, for a Site Plan Amendment and review regarding the construction of a new Simmons Rockwell Service Center (20,900 sq. ft.), as shown on a drawing by Fagan Engineers, Project #2003.060 dated March 4, 2004 and received December 27, 2006; and

WHEREAS, the 12.096-acre parcel and property is located on the south side of County Route 64, in the Business Regional (BR) district; and

WHEREAS, the existing GMC building is 14,266 square feet; and

WHEREAS, the applicant is proposing the demolition of 5,566 square feet from the rear (south) portion of the existing building and the construction of a 25,650 square feet service center addition resulting in a total structure size of the 34,350 square feet for a net increase of 20,084 square feet; and

WHEREAS, the subdivision portion of the action consists of the proposed re-subdivision of four parcels to create one parcel of 12.096 acres in total from the following:

- Tax Map #67.02-1-3 being 1.495 acres;
- Tax Map #67.02-1-4 being 5.001 acres;
- Tax Map #67.02-1-5 being 2.494 acres;
- Tax Map #67.02-1-16 being 3.106 acres; and

WHEREAS, pursuant to Section 17.16.020, the proposed *development* of the site is consistent with the requirements of the *Town Municipal Code* in both *bulk* and *density*; and

WHEREAS, the adjacent properties owners have been notified pursuant to the Rules of the Planning Board; and

WHEREAS, no new signs are being proposed for this proposed; and

WHEREAS, that for environmental review purposes this Board finds action on this application to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency having completed an uncoordinated review with informational notice of this application given to:

- Chemung County Health Department;
- Chemung County Sewer District;
- Chemung County Planning Board; and
- Chemung County Department of Public Works; and

WHEREAS, the following comments have been received by the Chemung County Sewer District in a letter dated January 5, 2007 stating “Our comment – just make sure that the developers know to put in the required oil/grease and grit collection/separators on any wastewater connections from that new service building. When they submit their sewer connection application, we will be looking for the design drawings for these.”

WHEREAS, the following comments have been received from the Chemung County Department of Public Works Commissioner Murl Sebring in a letter dated January 5, 2007 stating the following:

- The site plan is incomplete – it shows what appears to be a new driveway entrance – as a minimum this will require a new driveway permit.
- The plan should discuss how this new entrance intersects with other existing driveways in the area across County Route 64.
- A traffic impact study is needed to determine effects on existing CR 64 and how it interfaces with information being studied by the Schoor–DePalma Traffic Study along CR 64.
- Requirements need to be consistent along CR 64.

WHEREAS, based on review of Parts 1 of the Short Environmental Assessment Form (EAF) of SEQRA completed by the applicant, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

WHEREAS, this application has been referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64 (CR 64) and who stated at their meeting of February 15, 2007 that they are favorable to the applicants’ current proposals, subject to any approval conditions the Town Planning Board deems warranted; and

*****Approval will not be granted until the items below have been received by the Department of Planning:**

WHEREAS, Section 16.04.020(K) of the Town Municipal Code permits the Planning Board to waive normal subdivision procedures if the proposed action consists solely of the simple alteration of lot lines with no major changes in *lot* sizes, access, proposed roads, sewage disposal systems and/or public facilities of which the present application constitutes minor alteration of lot lines and re-subdivision; and

WHEREAS, this Board waives the requirement for a public hearing pursuant to Section 16.04.020(K); and

WHEREAS, Pursuant to Section 16.08.030 (B)(2), which states that the applicant must provide “A copy of such proposed covenants or deed restrictions as are intended to cover all or part of the tract;” and

WHEREAS, the applicant has provided such documentation in the form of a quit claim deed showing that all properties are owned by one owner and thereby are merged as one parcel under said owner; and

WHEREAS, the applicant has submitted a Traffic Impact Analysis showing no adverse impact to County Route 64 as a result of the proposed action addressing the Chemung County Commissioner of Public Works concerns; and

NOW, THEREFORE BE IT RESOLVED, that this Board accepts the documents submitted in this application as a *Preliminary Plan* in accordance with Chapter 17.32 of the Town Municipal Code and conditioned upon the following:

- The applicant shall locate directional signage for customers showing traffic circulation to proposed service center on drawings; and
- The applicant shall submit revisions to the site plan, specifically on the grading and utility plan addressing the Town of Big Flats Department of Public Works concerns that the main water line be shown on the drawing going to the new GMC building.
- The applicant shall submit a revised site plan identifying the intended use of parking east of the sales and maintenance building, and submit a revised traffic analysis reflecting the trips generated by this intended allocation of parking spaces.

CARRIED:

AYES: Fleisher, Younge, Stewart, Masler, Piersimoni

NAYS: None

ABSENT: Ormiston, Esty, Muir

Dated: Tuesday, March 6, 2007

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER

Chairman, Planning Board

**BURLINGAME VENTURES/FEDERAL EXPRESS
PRELIMINARY/ SITE PLAN AMENDMENT
TAX PARCELS # 57.02-2-60 & 57.02-2-67.2**

Fleisher reviewed the Preliminary Site Plan Amendment

Fleisher then asked for comments or questions, being none Fleisher asked for a motion to adopt the resolution.

**RESOLUTION P101-2007
BURLINGAME VENTURES/FEDERAL EXPRESS
PRELIMINARY/ SITE PLAN AMENDMENT
TAX PARCELS # 57.02-2-60 & 57.02-2-67.2**

Resolution by: Piersimoni

Seconded by: Stewart

WHEREAS, this Board has received an application from Burlingame Ventures for a *Site Plan Amendment* and review regarding a 3,125 square foot expansion of an existing warehouse distribution facility and terminal, the addition of a new driveway and the rehabilitation of existing parking areas, as shown on a drawing by Fagan Engineers, Project #2006.119 dated January 1, 2005; and

WHEREAS, the primary affected 2.534-acre parcel and property is located at 358 Sing Sing Road within the (ABD) *Airport Business Development District*, east of the existing Elmira-Corning Regional Airport Terminal and contiguous to airport property; and

WHEREAS, the property contains an existing 15,000 square foot 1-story structure with a macadam parking area containing (1) driveway access to Sing Sing Road; and

WHEREAS, the applicant is proposing a 3,125 square foot addition containing a loading dock to the east end of the existing structure facing airport property; and

WHEREAS, the applicant is proposing a second driveway located (180) feet east of the existing driveway entrance on Sing Sing Road consistent with Section 12.12.060(C); and

WHEREAS, Section 17.48.010(B)(20) of the Town Municipal Code requires the minimum of one parking space per 3,000 square feet of floor area for warehouse and distribution center use; however, pursuant to Section 17.48.010(C) the maximum number of spaces permitted is five spaces per 1,000 square feet; and

WHEREAS, the minimum required parking spaces for 18,125 square feet would be six and the maximum allowable number of parking spaces would be (90); and

WHEREAS, the applicant is proposing to pave the existing macadam driveway and parking lot area creating (45) parking spaces consistent with Section 17.48.010(C); and

WHEREAS, the abutting *property owners* have been notified of this *application* pursuant to the Rules of the Planning Board; and

WHEREAS the Chemung County Planning Board, at its December 21, 2006 meeting recommended approval subject to any conditions the Town Planning Board deems warranted; and

WHEREAS, that for environmental review purposes this Board finds action on this *application* to be an Unlisted Action in accordance with 6 NYCRR Part 617 and that this Board having declared Lead Agency status and having completed an uncoordinated review with information notice given to:

- Chemung County Department of Public Works
- Chemung County Health Department
- Chemung County Sewer District
- Big Flats Fire Department
- Chemung County Planning Board

AND WHEREAS, in a letter dated November 21, 2006, Murl Sebring, Interim Chemung County Commissioner of Public Works reviewed the *Concept Plan* depicting the proposed action and issued the following comments:

1. The addition of the second driveway and any alternations to the existing driveway will require a highway work permit.
2. Modifications to existing utilities within the county ROW will require highway work permits as well.
3. The cover letter states that the second driveway is to enhance internal traffic circulation. Does this enhancement impact traffic on CR 17?
4. Have the underground utilities on county ROW been located to know if there is any affect to CR 17 by this project?

AND WHEREAS, in a letter dated November 22, 2006, Michael B. Aherns, Big Flats Fire Department Chief stated that the Big Flats Fire Department, “has no issues with the intended expansion, appreciates the opportunity to review and comment on the project and they would like

Planning Board Meeting Minutes for March 6, 2007

to encourage all businesses that come before the Planning Board include a Knox Box in all of their projects;" and

WHEREAS, that the *applicant* has submitted a revised *site plan* drawings dated November 7, 2006 and received in the Department of Planning Office on February 6, 2007 showing the following:

- Location Plan on cover sheet
- Grading plan and erosion control plan
- Location and design of a storm water management system, and

NOW, THEREFORE BE IT RESOLVED, that this Board accepts the documents submitted in this *application* as a *preliminary* for *site plan* amendment; and

FURTHER RESOLVED, that the applicant shall submit the following before final site plan amendment approval can be granted:

- Storm Water Management Analysis.
- Landscape Plan.
- Designated Handicapped Parking Spaces.
- Traffic Impact Analysis showing potential impact to CR 17.

Schwesinger explained that the Storm Water Management Analysis is not required due to the size of the expansion but that a catch basin for infiltration was added to help improve the system, and Fagan Engineers would submit a letter regarding this issue.

CARRIED:

AYES: Fleisher, Stewart, Younge, Masler, Piersimoni

NAYS: None

ABSENT: Ormiston, Esty, Muir

Dated: Tuesday, March 6, 2007

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER

Chairman, Planning Board

MEMBERS COMMENTS:

Younge requested that the previous format of the Agenda, containing a brief outline could be reinstated. This was agreed to by all. Younge also asked for details of the upcoming Conference Day in April, and requested the proper forms.

Stewart inquired as to whether the 4 hours of training required by the Planning Board would be fulfilled by the training he receives for his job position.

Fleisher responded that this would be applicable, and that his training was beneficial and complimentary to the Planning Board.

Stewart questioned who was responsible for the cleaning of the parking lot at Walmart as it was full of debris the last time he was there.

Corey responded he would follow up, as this was a property maintenance code issue.

Since there was no further business to come before the Planning Board, the meeting was

4/4/2007 2:11 PM

adjourned at 7:39P.M.

Dated: Tuesday, March 6, 2007
BIG FLATS, NEW YORK

Respectfully Submitted,

Brenda Belmonte
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF TUESDAY, APRIL 3, 2007**

6:30 P.M.
REGULAR MEETING
Big Flats Community Center
Conference Room "D"

PRESENT: Mark Fleisher, Chair
Lee Younge
Angela Piersimoni
Carl Masler
Bill Stewart
James Ormiston
Scott Esty

ABSENT: Lance Muir

STAFF: Ron Sherman, P.E, Dean Frisbie, Town Board Member,
Brenda Belmonte, Planning Board Secretary

GUESTS: Don Simmons, Jamie Gensel, P.E., John Wren, Donna Wren,, Jean Winner,
Sarah Campbell, Esq. Chris Sweeney, Gordon Stansbury, Traffic Engineer

AGENDA

The Board agreed with the agenda as presented.

MINUTES

Fleisher asked if there were corrections before accepting and approving the minutes of March 6, 2007. Piersimoni made a motion to accept and approve the minutes of March 6, 2007, seconded by Masler. All in favor except Ormiston who abstained. Motion carried.

SIMMONS-ROCKWELL DEALERSHIP
FINAL SITE PLAN AMENDMENT
TAX PARCELS #67.02-1-3/67.02-1-4/67.02-1-5 & 67.02-1-16

Fleisher reviewed the Final Site Plan Amendment and asked for comments or questions. There being none he asked for a motion to adopt the resolution.

RESOLUTION P102-2007
SIMMONS-ROCKWELL DEALERSHIP
FINAL SITE PLAN AMENDMENT
TAX PARCELS #67.02-1-3/67.02-1-4/67.02-1-5 & 67.02-1-16

Resolution by: Stewart
Seconded by: Ormiston

WHEREAS, this Board has received an application from Simmons-Rockwell, a vehicle sales dealership, for a Final Site Plan Amendment and review regarding the construction of a new Simmons Rockwell Service Center (20,900 sq. ft.), and, as per the Executive Committee Meeting at the Big Flats Town Hall on March 21, 2007, a new car display area, as shown on a drawing by Fagan Engineers, Project #2003.060 dated March 21, 2004 and received March 21, 2007; and

WHEREAS, the 12.096-acre parcel and property is located on the south side of County Route 64, in the Business Regional (BR) district; and

WHEREAS, the existing showroom building is 14,266 square feet; and

WHEREAS, the applicant is proposing the demolition of 5,566 square feet from the rear (south) portion of the existing building and the construction of a 25,650 square feet service center addition resulting in a total structure size of the 34,350 square feet for a net increase of 20,084 square feet; and

WHEREAS, the subdivision portion of the action consists of the proposed re-subdivision of four parcels to create one parcel of 12.096 acres in total from the following:

- Tax Map #67.02-1-3 being 1.495 acres;
- Tax Map #67.02-1-4 being 5.001 acres;
- Tax Map #67.02-1-5 being 2.494 acres;
- Tax Map #67.02-1-16 being 3.106 acres; and

WHEREAS, pursuant to Section 17.16.020, the proposed development of the site is consistent with the requirements of the Town Municipal Code in both bulk and density; and

WHEREAS, the adjacent properties owners have been notified pursuant to the Rules of the Planning Board; and

WHEREAS, no new signs are being proposed; and

WHEREAS, that for environmental review purposes this Board finds action on this application to be an Unlisted Action in accordance with 6 NYCRR 617 and that this Board is the Lead Agency having completed an uncoordinated review with informational notice of this application given to:

- Chemung County Health Department;
- Chemung County Sewer District;
- Chemung County Planning Board; and
- Chemung County Department of Public Works; and

WHEREAS, the following comments have been received by the Chemung County Sewer District in a letter dated January 5, 2007 stating “Our comment – just make sure that the developers know to put in the required oil/grease and grit collection/separators on any

wastewater connections from that new service building. When they submit their sewer connection application, we will be looking for the design drawings for these.”

WHEREAS, the following comments have been received from the Chemung County Department of Public Works Commissioner Murl Sebring in a letter dated January 5, 2007 stating the following:

- The site plan is incomplete – it shows what appears to be a new driveway entrance – as a minimum this will require a new driveway permit.
- The plan should discuss how this new entrance intersects with other existing driveways in the area across County Route 64.
- A traffic impact study is needed to determine effects on existing CR 64 and how it interfaces with information being studied by the Schoor–DePalma Traffic Study along CR 64.
- Requirements need to be consistent along CR 64.

WHEREAS, based on review of Part 1 of the Short Environmental Assessment Form (EAF) of SEQRA completed by **the** applicant, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration; and

WHEREAS, this application has been referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64 (CR 64) and who stated at their meeting of February 15, 2007 that they are favorable to the applicants’ current proposals, subject to any approval conditions the Town Planning Board deems warranted; and

WHEREAS, Section 16.04.020(K) of the Town Municipal Code permits the Planning Board to waive normal subdivision procedures if the proposed action consists solely of the simple alteration of lot lines with no major changes in *lot* sizes, access, proposed roads, sewage disposal systems and/or public facilities of which the present application constitutes minor alteration of lot lines and re-subdivision; and

WHEREAS, this Board waives the requirement for a public hearing pursuant to Section 16.04.020(K); and

WHEREAS, Pursuant to Section 16.08.030 (B)(2), which states that the applicant must provide “A copy of such proposed covenants or deed restrictions as are intended to cover all or part of the tract;” and

WHEREAS, the applicant has provided such documentation in the form of a quick claim deed showing that all properties are owned by one owner and thereby are merged as one parcel under said owner; and

WHEREAS, the applicant has submitted a Traffic Impact Analysis Addendum showing no adverse impact to County Route 64 as a result of the proposed action addressing the Chemung County Commissioner of Public Works concerns; and

NOW, THEREFORE BE IT RESOLVED, that this Board accepts the documents submitted in this application as a Final Site Plan in accordance with Chapter 17.32 of the Town Municipal Code and conditioned upon the following:

FURTHER RESOLVED, the applicant has agreed to use of the existing driveway entrance only, with no new driveway added, as a result of the proposed action addressing the concerns of Murl Sebring, Chemung County Commissioner of Public Works; and

- The applicant shall locate directional signage for customers showing traffic circulation to proposed service center on drawings; and
- The applicant has submitted revisions to the site plan, specifically on the grading and utility plan addressing the Town of Big Flats Department of Public Works concerns that the main water line be shown on the drawing going to the new GMC building.
- The applicant has submitted a revised site plan dated March 21, 2007 identifying the intended use of parking east of the sales and maintenance building, and submitted a revised traffic analysis reflecting the trips generated by this revised allocation of parking spaces.

Lee Younge recalled that the Executive Committee discussed having a small Service sign at the entrance so that customers on CR 64 would know which driveway to use for Service.

Jamie Gensel, of Fagan Engineering, explained the sign would be lighted and would stand perpendicular to the road. He also showed pictures of similar signs.

Scott Esty questioned whether there would also be a Sales entrance.

Gensel replied that there would be a Sales entrance with a sign similar to the Service sign. He also stated that the signs were actually provided by GMC.

Don Simmons of Simmons Rockwell stated that having a sign for both a Sales and a Service Entrance would alleviate any confusion for customers.

Carl Masler asked if Murl Sebring, Commissioner of Public Works understood there would be a new driveway.

Gensel explained that at the Chemung County Planning Board Meeting Sebring was informed that the existing driveway would be used and a new driveway would not be added.

Sherman advised that part of the confusion is that it is constructed as approved on the 2004 site plan amendment, but the 2004 preliminary site plan that went to the county did not depict the constructed condition.

AYES: Younge, Stewart, Esty, Fleischer, Ormiston, Masler Piersimoni
NAYS: None
ABSENT: Muir

Dated: Tuesday, April 3, 2007
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER
Chairman, Planning Board

**WINNER SUBDIVISION
CONCEPTUAL SUBDIVISION REVIEW
TAX PARCEL #46.00-2-33.1**

Fleisher reviewed the Conceptual Subdivision and asked for comments or questions. There being none he asked for a motion to adopt the resolution.

**RESOLUTION P103-2007
WINNER SUBDIVISION
CONCEPTUAL SUBDIVISION REVIEW
TAX PARCEL #46.00-2-33.1**

Resolution by: Ormiston
Seconded by: Esty

WHEREAS, this Board has received an application from Jean L. Winner, owner of tax parcel #46.00-2-33.1 for subdivision approval of 5.9387 acre parcel as shown on a survey map by Kenneth R. Decker, Licensed Surveyor, Job #21-87, dated June 12, 1987; and

WHEREAS, the parcel is located at 128 Breed Hollow Road in the Rural District (RU); and

WHEREAS, the applicant proposes to subdivide parcel #46.00-2-33.1 to create the following:

- Parcel A being 1.75 acres containing vacant land taken from parcel #46.00-2-33
- Parcel B being 4.189 acres that would remain containing a single residence

WHEREAS, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel for a one unit dwelling with no municipal water or sewer in the RU district is a minimum of 3 acres; and

Fleisher stated that although the application does not comply with the Bulk and Density, it is the actually vacant land that does not comply, not the parcel with the house.

Sherman explained the applicant wants to sub-divide and build on the smaller parcel, which will not be 3 acres. He also stated that an email on June 8, 2006 from the Health Department to Chuck Coons stated the lot had been reviewed and approved for septic.

Fleisher stated that there is a need to go to the Zoning Board of Appeals for the smaller of the two parcels.

WHEREAS, this application does not comply with the Bulk and Density Control Schedule of the Town of Big Flats Zoning Law; and

Jim Ormiston stated that there was no recording that the application fee was submitted.

Sherman replied that it had been submitted.

Fleisher asked if someone would like to make a motion accepting the resolution.

Jean Winner asked what having a resolution meant.

Fleisher explained that this application is a concept and that a Public Hearing would be needed for the Final Resolution.

Esty questioned why, because there are a total of 6 acres, the lot cannot be divided evenly into 3-acre parcels.

Jean Winner explained the parcel is wedge-shaped with a creek located at the widest section and that the house was originally built to be in the center of the parcel. She also stated that a survey copy was provided showing where the house, well, and septic are located, along with the proposed sub-division.

Esty asked what was across the street from the property and if there were other parcels in the area that were the same size as the proposed divided parcels.

Winner answered that there was creek frontage across the street, and that on both sides of the property there are lots with less than 1 acre, as well as other houses in the neighborhood having less than one-half of an acre.

Sherman stated a referral to the ZBA was needed.

NOW, THEREFORE, BE IT RESOLVED, this Board accepts and approves the documentation in this application as a Conceptual Subdivision Review in accordance with Title 16 of the Town Municipal Code and refers it to the Zoning Board of Appeals for an Area Variance.

CARRIED:

AYES: Younge, Stewart, Esty, Fleischer, Ormiston, Masler, Piersimoni

NAYS: None
ABSENT: Muir

Dated: Tuesday, April 3, 2007
BIG FLATS, NEW YORK

By the order of the Planning Board of the Town of Big Flats

MARK FLEISHER
Chairman, Planning Board

**WREN VEHICLE STORAGE FACILITY
CONCEPTUAL AND PRELIMINARY SITE PLAN AMENDMENT
TAX PARCEL #66.04-3-30.3**

Fleisher reviewed the Conceptual and Preliminary Site Plan and asked for comments or questions. There being none he asked for a motion to adopt the resolution.

Resolution by: Younge
Seconded by: Stewart

**RESOLUTION P104-2007
WREN VEHICLE STORAGE FACILITY
CONCEPTUAL AND PRELIMINARY SITE PLAN AMENDMENT
TAX PARCEL #66.04-3-30.3**

WHEREAS, this Board has received an application for Site Plan Amendment approval from Donna Wren for a proposed 70' x 120' pole barn storage facility as shown on a drawing by Fagan Engineers, dated February 10, 2006, revised March 23, 2007; and

WHEREAS, the property is located at the northwest corner of the intersection of County Route 64 / Main Street and Winters Road in the Commercial Light Industrial (CL) district; and

WHEREAS, pursuant to the Bulk and Density Control Schedule, this is a permitted use within the CL district; and

WHEREAS, this application complies with the Bulk and Density Control Schedule of the Town of Big Flats Zoning Law; and

WHEREAS, this Board has allowed the required 30-day comment period for inter-municipal referral pursuant to General Municipal Law 239-nn to elapse and said municipalities have offered no comments; and

WHEREAS, this Resolution would accept and approve the documentation in this application as a Preliminary Site Plan Amendment in accordance with Title 16 of the Town Municipal Code.

Jamie Gensel asked if the Planning Board had been given copies of pictures showing what the structure would look like.

Fleisher replied that the pictures had been reviewed by the Executive Committee and commented that the building is basically for storage of boats and recreational vehicles in non-use periods. He also stated that the structure would be open on both the north and south and that the need to do some landscaping had been discussed.

Lee Younge commented she also understood that the new pole barn would be similar to the existing building.

Gensel stated that the new structure would be the same color scheme as the existing building and would set in the lower area of the lot.

Angela Piersimoni asked for clarification as to the paving or non-paving of the area.

Gensel described a proposed 20-foot stone gravel drive to the lower lot area where the building will be placed. He went on to explain a planned 20-foot drive to enable vehicles to maneuver around the building and a 50-foot area on each side of the building to allow recreational vehicles to maneuver in and out easily.

Bill Stewart asked if any fill would be required to raise the floor elevation due to the fact the lot is lower in the proposed building area.

Gensel replied that the lower area would need to be cut to create 6 to 12 inches of fill above grade. He also stated that the existing building's finished floor drops to 8 feet below, so that only a portion of the proposed building would be seen from Winters Road.

Fleisher stated that the board received various comments from a citizen, and he continued on with the details of those comments.

- i. There has been traffic driving in and out of the property on to County Route 64 creating a driveway. This individual understood that this area was not to be used as a driveway, and questioned whether permission had been given for such use.

John Wren replied that there was a drive going out to County Route 64, however it was being used for construction vehicles only. He further explained that the county informed him it could be used as long as the use was not changed.

Gensel commented that Wren had spoken with Chemung County Commissioner of Public Works Murl Sebring, and that permission was given for construction vehicles to enter and exit the property on County Route 64.

- ii. Will the vehicles in the proposed pole barn use the Winters Road drive?

Wren responded that the vehicles stored in the pole barn will go through the existing drive in the yard on Winters Road.

- iii. The way the building is located on the map, with the building open at both ends, people from County Route 64 will see all of the items for storage.

Fleisher stated that there would be landscaping around the building.

Stewart commented that in the summer you would not see anything, but in the winter you would be able to see everything in that area.

- iv. If the building was located with the 70 foot end toward County Route 64, no storage would be seen from Route 64.

Wren commented he had spoken to John Tokar, a neighbor, whose land borders his in the back of the property. Tokar was concerned about an area of that border being open. Wren stated he had agreed to plant pine trees along the border similar to those previously planted.

Jim Ormiston questioned what the height of the storage building would be.

Wren answered that he was not sure of the pitch of the roof yet, but that the walls would be 14 feet high.

Ormiston mentioned there was no indication of an application fee being paid on any of the applications.

Sherman responded that they had all been paid.

Fleisher asked Sherman to indicate what, if anything, would be needed for final approval of the site plan.

Sherman answered that drainage calculations would be needed along with landscaping.

Younge stated that she would be concerned that the buildings would be open, and that no one would be there evenings and weekends.

Fleisher commented that motion sensor lighting had been discussed.

Younge asked Wren if he had agreed to the motion sensor lighting.

Wren stated that he had agreed to this.

Younge requested that the lighting be added as a condition to final approval.

Sherman commented on a fence shown on the map located in the northwest corner, per barrier regulations.

Gensel stated that the fence was requested during the previous approval and that Maureen Harding, Director of Planning at that time, asked that a fence be placed along the northwest corner.

Wren stated that in order to put a fence along the northwest corner, the pine trees would need to be removed.

Fleisher recalled that the board had opted to keep the trees instead of a fence, and everyone was in agreement.

NOW, THEREFORE, BE IT RESOLVED, that this Board approves the application as a Conceptual Site Plan and approves the Conceptual Site Plan as a Preliminary Site Plan.

CARRIED:

AYES: Younge, Stewart, Esty, Fleischer, Ormiston, Masler, Piersimoni

NAYS: None

ABSENT: Muir

**REROB, LLC CAR WASH
CONCEPTUAL / PRELIMINARY SITE PLAN REVIEW
TAX PARCEL #57.04-1-4.0**

Mark Fleisher reviewed the Conceptual / Preliminary Site Plan Application and asked for comments or questions. There being none he asked for a motion to adopt the resolution.

**RESOLUTION P____-2007 (no resolution acted on)
REROB, LLC CAR WASH
CONCEPTUAL / PRELIMINARY SITE PLAN REVIEW
TAX PARCEL #57.04-1-4.0**

Resolution by: Younge

Seconded by: Esty

WHEREAS, this Board has received an application from Rerob, LLC for Site Plan Review for construction of a new single-bay automatic car wash, to be located on tax parcel #57.04-1-4.0 as shown on a drawing by Maxian and Horst Landscape Architects, Job No. 3037 dated March 2, 2007, revised March 15, 2007; and

WHEREAS, the property is located at 3301 Chambers Road in the Business Regional (BR) district; and

WHEREAS, the applicant proposes to demolish the existing Rico's Pizza outbuilding and construct a new single-bay automatic car wash in its place; and

WHEREAS, pursuant to the Bulk and Density Control Schedule a minimum of 3 acres is required in the BR district; and

WHEREAS, this application does not comply with the Bulk and Density Control Schedule of the Town of Big Flats Zoning Law; and there will be a need to go to the ZBA for a variance; and

WHEREAS, the adjoining property owners have been notified;

Fleisher read a memo from Larry Wagner, Commissioner of Public Works for the Town of Big Flats regarding a meeting at the site on March 30th. Attending this meeting were the following:

Murl Sebring, Chemung County Commissioner of Public Works, Bill Piatt, Paul McAnany and Bill MacNamara from the New York State DOT, Larry Wagner, Town of Big Flats Commissioner of Public Works and Ron Sherman, MRB Group. Fleisher went on to say the meeting at the site was held due to concerns regarding the general state of traffic on Chambers Road. The memo stated that basically this group came to one voice in regards to changing the entrance to the Express Mart adjacent to the current pizza place and proposed car wash. Also, regarding access off the present road that goes back to the county transfer station, a change cannot be made unless there are some upgrades to the transfer station road. The conclusion was made that if there is a major upgrade of Chambers Road, a condition of approval would be that the north access be closed, and the south access be right turn only. Their thinking is that this would put all traffic entering the facility at a signal-controlled intersection. The group went on to talk about the access to the other businesses on the west side of Chambers Road where similar concerns exist. If this traffic signal was put in, the north access closed, and the south access made right turn only, they feel this could be the first step in correcting the general traffic situation on Chambers Road. The County and the State DOT will be submitting written comments to us regarding the application.

Fleisher stated that he had requested this memo for the board from Larry Wagner during a telephone conversation regarding the meeting at the site. He then asked if the applicant wished to respond or to talk about the project in general.

Sarah Campbell, attorney for the applicant, stated that Chris Sweeney, Express Mart representative was present along with Gordon Stansbury, traffic engineer for the proposed project. She responded to the memo by stating that this information was news to her. She explained they were aware of some unspecified changes that might be proposed to the roadway perhaps 10 to 20 years down the road. She stated that she is not in a position to agree to a change in site plans at this time, and that she would take the information back to the owner to see if he would be willing to do that. She went on to say that it seemed agreeing to something that hadn't been proposed in time yet, nor been funded, or studied yet seemed premature. She explained that she did not know where the access point discussed at the on site meeting would be located or how it would interfere with the internal traffic flow with respect to the pumps and car wash. Therefore she could not answer any questions. She did not feel it was particularly reasonable to be asked to agree to something they did not know the details of.

Fleisher responded that they were not being asked to agree at this time.

Campbell asked for more information with respect to the exact proposal prior to the next meeting.

Fleisher commented that this information was also new to him and that he was informed of the issue by a phone call from Larry Wagner the previous afternoon.

Campbell commented that changing access to the site would not be an easy thing to do, as it had been fully constructed previously. However, if it were a minor access change without any internal traffic flow problems, perhaps it would be acceptable to the owner.

Ron Sherman stated that, from his reviews for the town, that traffic on Chambers Road has been an issue for at least a year and a half, and that several parcels sold in that area over the years did not have much organization pertaining to lay out. He stated that there are drivers making turns in and out of the area and also drivers crossing all of the lanes. He commented that in this particular situation, there is a traffic signal to the north, along with a transfer station access drive. He further stated that Luther Bennett owns the parcel containing access to the transfer station, as well as owning the station to the north. He continued on to say that the county has a right-of-way or lease to this access, and they have done improvements to it over the years. Sherman went on to say Murl Sebring would be looking in to this particular matter further. He also stated that there is a car wash in the same area whose traffic empties behind the station to the north, and that the entrance and exit to the north and exit empties right at the intersection. The property containing the road itself does not line up with Arnot Mall. Sherman stated he was explaining this so that everyone would understand the situation. He commented that he did not expect the applicant to rush right in to an agreement. He stated, that according to the tax map, the DOT owns up to the southerly line of the applicant's property but apparently has jurisdiction up to the traffic signal. He stated that this meeting basically was a beginning to the future planning process for traffic along that road. He said this has to be an organized effort, with a lot of planning and with the consideration of the development on Colonial Drive. There are several other issues that impact the area. There will be something in the final resolution regarding conditions to this fact. He commented that he has trouble with creating a right-only turn out of the southerly access without any drawings or a traffic study and that normally the property owners get this information from the DOT.

Fleisher reminded everyone that since it was not final approval at this time we are obviously not putting any conditions in.

Campbell stated that they had been given indication at the earlier meetings that these traffic issues were there, but that they weren't aware of any formalized plans.

Sherman stated that part of the issue is that the applicant's property ascends and the transfer station road descends so this is obviously something major, plus the alignments, etc., and it was a very expensive job. Generally the DOT picks up the tab for these things being done with a compromise from the applicant's traffic consultant.

Campbell stated that it is not unusual for things to change on busy roads, and it is not a process that they are used to. The concern would be agreeing to something without knowing any details.

Fleisher commented that any project on county route 64 or Chambers Road these days is going to come under the same kind of scrutiny with the DOT, simply because of the development that has occurred and the traffic that has occurred, and that the applicant was certainly not being singled out.

Campbell replied that a traffic analysis was provided that indicates they would not be contributing a large volume of traffic to Chambers Road as a result of the proposed car wash, it is actually servicing customers that would already visit the site and a small number of in fact the present pizza place probably generates more traffic than the proposed car wash will, but these are all things that will have to be worked on.

Sherman commented that a traffic impact assessment had been submitted on March 19, 2007 showing how many trips were generated.

Campbell mentioned to Fleisher that this was the first she had heard about the Zoning Board, and questioned what the Bulk violation was.

Fleisher replied according to the resolution it is not a 3-acre minimum.

Scott Esty stated this is a one ownership parcel, and that Rico's pizza is leased from the property owner.

Campbell commented that they do have correspondence indicating there was a variance granted in the past for that purpose, and questioned if a change of use triggers the violation once again.

Sherman answered yes it does.

Angela Piersimoni stated she had driven to the area, and was concerned about the corner area in the back of the building. Will customers use the employee parking area behind the building? A well-used car wash may have troubles with cars lined up waiting in that area and with cars leaving.

Stansbury noted that the overall site allows for 10 vehicles along the back of the building and along southern side. Generally the car wash operates with a 3-minute cycle on typical operations. If you have one or two cars waiting, that would be a busy car wash. Obviously some days have a higher demand, but those peak hours would not necessarily coincide with normal shift hours for local employees.

Piersimoni expressed her concern about the corner.

Campbell questioned if there was anything such as a curb or bollard to help protect the building on the corner of concern.

Stansbury stated that the southwest corner is tight, and something wouldn't be a bad idea to at least alert drivers to the narrowness of the corner.

Jim Ormiston stated that usually a car wash ties in with a gas purchase. He also questioned how a ticket is purchased for the car wash.

Campbell responded there are 3 ways to purchase a ticket for the car wash. At the pump with debit or credit, and you get a reduced price on your gas purchase; inside the express mart; or at the car wash site itself. She went on to read a description of a typical car wash cycle operation itself works; the vehicle is sprayed with a hot water and wash solution and sprayed with high pressure water spray to remove dirt. Car is rinsed and dried all without any brushes or material touching the car. The car wash floor is tipped toward the center, where all wash products are directed in to the drain. The water then goes through a soil sediment trap. Soils and other materials are emptied and disposed of by a vacuum truck approximately 3 times a year depending on usage.

Stewart questioned how many gallons of water are used.

Campbell responded she did not know, but from the literature of the car wash it is to uses 40% less water than older car washes, and that she would find that out.

Sherman requested Campbell get this information as it is something the sewer district would need.

Younge asked what is collected 3 times a year.

Campbell responded, road salt and sediment, and that again, these are disposed of approximately 3 times a year depending on usage. She went on to say a vehicle does not move once it is in the car wash, and nothing touches the car.

Ormiston commented that there is always someone who wants to dry their car before getting on the road, and he was concerned where those cars would be located.

Campbell replied they could pull up to a pump or empty parking spaces.

Stewart asked whether there would be a vacuum system.

Campbell answered that there was one proposed behind the car wash.

Stansbury stated if someone wanted to dry off the car, they could stop in front while someone else was drying their car.

Stewart questioned whether customers drive through a blow dryer or sit in one position.

Stansbury replied that the car sits in one position as the dryer moves.

Campbell recalled that you could also purchase your car wash on line.

Fleisher questioned how the system worked: Do you drive up to the pump, put your card in and then the read out asks your procedure?

Campbell replied yes – and that her client is well aware of other like businesses that are deceptive with their advertisements, and this will not be the case. Also she reminded the board that a proposed sign package had been submitted, and that it would be an overall reduction in signage from what is at the location currently. The majority of the signs are directional for customers choosing to use the automated system directly at the car wash.

Lee Younge commented this is a small site given all of the vehicles that would be moving around it in different directions, and that we would have to get a good handle on this.

Esty proposed that the members go to the site to look at the area, and Younge agreed.

Campbell said she had gone around the building herself in a minivan with no trouble. She encouraged the board to review the traffic analysis saying it addresses internal traffic as well as the Chambers Road issue.

Esty stated that he feels the board made a mistake with Dunkin' Donuts, and he has had a lot of people comment to him how poorly the traffic flow is there. He went on to comment that Route 64 concerns have not yet been resolved, and he is reticent to make a commitment to something new without things being better sorted out. Again he suggested that it would be wise for the board to go to the site as a group to look at the situation and see if it would be wise to make a commitment in this vicinity. He stated that he lives up that road, and he has seen several accidents in the area. He also commented that it is a constant nightmare with people honking and becoming irate with people stopping in front of them, cutting across lanes, and so forth. He noted that a friend of his was told that somebody is towed from that area every week.

Campbell questioned whether there was anything she and her client could provide to put the board in a better position, or were they actually looking for a comprehensive study of the area?

Esty replied that a comprehensive study of the area has been needed. He stated that he liked the idea of restricting all of this to an off road entrance or light controlled entrance if the county was to build up the transfer station road, along with making several adjustments.

Stansbury stated to keep in mind that this was not a new development in the area, but instead was replacing an existing development. He commented that he had considered whether they would be increasing traffic at the driveways, and found that if anything it would reduce traffic slightly compared with Rico's. He said to keep in mind that this is not aggravating the traffic situation, but maintaining a status quo as far as the driveway operations.

Younge stated her concern was whether traffic was being increased, as far as traffic coming and going. She said the traffic patterns would appear to work if everyone did

what they were supposed to do when they drive. She also commented that she agreed that the Dunkin' Donuts area has turned in to a nightmare. She said that the board had known it was a tight area, but had thought it would work and that she does not think it is working.

Campbell questioned if the issue then was the conflict of the driveway.

Younge replied yes, it is small.

Esty said the driveway is angled up making cars go up and around into oncoming traffic, and that it is difficult to see your way out, and also the parking is too tight.

Bill Stewart commented that most intersections today bring you up to an equal elevation level. That is not the case in this situation making visibility poor. He stated there are options that can create an easier traffic flow through there. He went on to say that his opinion differed in the belief that there will be more, not less traffic in the proposed car wash than at Rico's pizza. He stated that this is a very brittle situation in an area where people are being injured. Therefore we have to take a very serious look at that.

Stansbury stated if you look specifically at the car wash versus Rico's, the car wash would have more traffic, but that a large portion of the traffic would be those already purchasing gas.

Stewart stated that there is already a traffic problem with just the Express Mart, and this would be compounding it. He said he is not isolating this problem, but with more traffic and congestion than at the Dunkin' Donuts site it is a problem

Fleisher questioned the hours of operation for the proposed car wash.

Campbell answered it would be open 24 hours.

Sherman questioned if Stansbury agreed with Stewart that the traffic actually would be higher in that area with the proposed car wash versus Rico's and that traffic is offset by traffic already using the gas station.

Stansbury answered that with the standard for gas station versus gas station with car wash, the total trip numbers do not change. When the trip generation was run for the car wash itself, it actually added traffic to the study. He stated the study is actually conservative as it was run it for a car wash by itself.

Esty commented that he has entered the sub shop area several times and not found a parking spot or a place to stop which led him to just drive on through. He stated that there is not enough parking there already.

Sherman commented that one point he liked about car wash versus Ricos' is that traffic shoots right for it. He stated that someone stopping to dry his or her vehicle off could be a problem. There is not too much room in the area where you come out. He said that it

would be good for something to be done along there. The county could put the transfer station somewhere else.

Younge said that had been discussed.

Sherman said the realignment would be a major project considering the Arnot Mall involvement, etc. and that it is a major issue. He also believes that from a traffic standpoint, the removal of the pizza place would help as compared to a car wash.

Stansbury said that will eliminate some of the circulation issues, and with signage to direct traffic around, it will eliminate internal conflict.

Piersimoni questioned if Ricos' have tables inside.

Esty replied yes it has tables, people stop and stay.

Younge asked if the board should table the application.

Fleisher answered it would have to go to the Zoning Board of Appeals..

Younge questioned the applicant if tabling would bother them.

Campbell stated they would definitely want to move on to the Zoning Board of Appeals, but she didn't expect a decision tonight.

Fleisher commented that even if it was tabled they could move on to the Zoning Board of Appeals schedule.

Campbell commented that she understood that what was being said is the whole corridor has a traffic issue, and what the board would like is major changes to make the area safer. She said she certainly did not disagree with that, but if what the board is saying is they are not going to approve or recommend approval of any development on Chambers Road until there is modification of the roadway system, that essentially would be a decision for the Town Board. She understands the situation, but commented that there is not a lot the applicant can do to fix the situation, and she has an applicant who wants to move forward. She stated if the board needed more time to consider the application she certainly did not object to that.

Fleisher said he does not believe the board can say no to them or any other applicant simply because they don't like the traffic situation in the area. By tabling the application it gives everybody an opportunity to think about it and come up with something that may not actually solve the problem but may mitigate some of the concerns the board has.

Campbell asked for a clarification of tabling.

Fleisher responded the board would accept the documentation as a concept and preliminary plan. By tabling it the applicant can review the site and drawings, and maybe come up with some other ideas for next meeting Planning Board meeting on May 1st .

Stewart questioned the design of a 17-foot space between the express mart and the car wash.

Campbell responded this was an escape lane.

Stewart asked whether that would be arrowed to get traffic flowing through the area.

Campbell responded yes it would be marked.

Stewart commented that marking it would help the traffic flow situation quite a bit in that general area, however you would then have a merge of the two lanes coming out of the car wash and that would also be an issue.

Campbell stated that it was one-way both ways, as compared to Rico's where there are vehicles parking and backing up.

Stewart said when leaving the car wash you have the ability to meet another vehicle on the left before you get to the gas pump

Younge questioned whose suggestion it was for a right turn only when leaving.

Fleisher answered they are not making that suggestion for right now, but for if and when there is a signal put in the area.

Sherman responded that was only speculation at this time.

Ormiston stated that if he remembered correctly, while reviewing the final plan, one of the conditions was for right hand turns only.

Younge questioned which plan Ormiston was referring to.

Ormiston replied he was referring to the original establishment of the Express Mart.

Esty commented that from experience in other areas which have left turns only, the vehicles turn left anyway.

Fleisher agreed, and commented the same occurred at the entrance to Top's.

Younge stated unless there is a reasonable chance that the applicant was going to come up with something different, or that the board was going to come up with a suggestion, she didn't know why tabling it would make a difference. She would like a plan as to how this should proceed.

Fleisher answered perhaps tabling gives the applicant another chance at a redesign.

Younge responded that she agreed with Esty's idea that everyone should go look at the site, and drive around.

Esty stated perhaps the board should go as a group.

Younge agreed, and added she wanted something to come out of the meeting.

Campbell stated they don't have the ability to do any other plan than what was presented; that without access to the side road, as there is a huge grade change there, it is outside their capability to change. They have two approved driveways with the DOT and that is all.

Sherman replied that we are dealing with Chambers Road as it is now, and the other discussion does not really impact this application. If you have less than three acres, you are trying to do a lot on a small site. He realizes the applicant is trying to duplicate the present set up, because it is already there, but they may have to revisit the whole thing. He suggests the applicant take into consideration the comments that have been made, and to revisit it.

Campbell responded she had written down all of the comments that pertain to areas the applicant has control over as far as changing, but she did not want to mislead the board into thinking they would come back with a plan for a unified driveway with the neighboring business.

Younge said one option is that they don't do it, but instead just get rid of Rico's and keep what they have.

Fleisher responded that would be the applicant's decision.

Younge agreed and said the next step is to change the idea of what they want to do, or just don't do anything. It's not as if the board has no choice.

Esty commented with Rico's leaving, and the change in use, basically we are going back to a new use plan for this piece of property. With that point of view the board would see it as too much being done to that piece of property. If the board looks at this application as a new use application, which is what it is, it would be within the board's prerogative to say this is trying to do too much with this piece of property.

Fleisher agreed, and stated that the option was there and that tabling it gives the applicant the opportunity to re-work it. It does not indicate future approval. Or the applicant can withdraw the plan.

Younge stated, in consideration of Esty's remarks, she is reluctant to make any motion that says they should go to the Zoning Board of Appeals, mainly because it sounds like the whole thing needs to be looked at more.

Fleisher agreed, and said there is no need to go to the ZBA with the current configuration.

Younge stated she would not make a motion to tell the ZBA that the planning board would support this, and that she would not support it.

Fleisher stated yes, and again, it would be premature to go to the ZBA with the current configuration.

Campbell stated she did not disagree with a configuration change, but the ZBA would be looking at the lot size issue and not at traffic, etc. They might as well go to the ZBA, because if they do not grant the area variance they would be done, unless they chose to appeal the decision. The car wash building is as small as it can possibly be, so wherever the building would be located on the site would not make a difference in terms of the area variance.

Fleisher questioned whether the planning board has to give any recommendation at all if the applicant wished to go to the ZBA now.

Sherman responded it would be good to direct the applicant to the ZBA without any recommendation either way.

Fleisher stated the ZBA will make an independent decision anyway.

Younge stated we want to do right by the town, that is the whole idea of both boards.

Fleisher said if the ZBA approves the variance for the applicant, the Planning Board still has the option to turn it down due to traffic flow and health and safety. The ZBA approves the variance as to lot size only.

Younge made a motion to table the application pending the applicant come back with some changes that make the traffic pattern more safe.

Campbell responded she understood.

NOW THEREFORE BE IT RESOLVED, that this Board tables the documentation submitted as a Conceptual / Preliminary Site Plan Review pending the applicant returning with changes concerning the health and safety of the plan.

CARRIED:

AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Muir

Stewart stated this business is so busy and questioned how are deliveries made.

Ormiston said that is immaterial because there are so many pick-up trucks and service trucks parked there.

Stewart commented that it takes a large area to unload trucks.

The applicant responded that trucks unload in the front of the business, that back door deliveries are not allowed.

Stewart commented that these deliveries would fill all of the front area parking spaces.

Campbell responded yes, delivery vehicles occupy those areas for a few minutes.

Stewart commented that night deliveries would help with the traffic situation.

Campbell replied that night deliveries are something they have tried to do with no success.

MEMBERS COMMENTS:

Dean Frisbie, Town Board Member, stated that the town has received eight applications for Planning Director and the Town Board is presently reviewing them. Frisbie also recommended that a member of the Planning Board be present during the interviewing process for the new planner.

Frisbie also stated that there were questions from the Town Board regarding Bill Stewart's training requirements for Planning Board Member being met through his current employment. Stewart agreed to submit paperwork.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 7:50pm.

Respectfully Submitted,

Brenda Belmonte
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF TUESDAY, MAY 1, 2007**

**6:30 P.M.
REGULAR MEETING**

PRESENT: Mark Fleisher
Angela Piersimoni
Jim Ormiston,
Bill Stewart
Scott Esty
Lance Muir
Carl Masler

ABSENT: Lee Young

STAFF: Ron Sherman, P.E., Eric Corey, Code Enforcement Officer,
Brenda Belmonte, Planning Board Secretary

GUESTS: Jean Winner, Chris Sweeney, Sarah Campbell, Esq.

AGENDA

The Board agreed with the agenda as presented.

MINUTES

Fleisher asked if there were corrections before accepting and approving the minutes of April 3, 2007. Muir made a motion to accept and approve the minutes of April 3, 2007, seconded by Stewart. All in favor, except Carl Masler, motion carried.

**REROB, LLC CAR WASH
CONCEPTUAL / PRELIMINARY SITE PLAN REVIEW
TAX PARCEL #57.04-1-4.0**

Mark Fleisher reviewed the Conceptual / Preliminary Site Plan Application and asked for comments or questions.

Sarah Campbell, attorney for the applicant Chris Sweeney, submitted a modified site plan to the board which includes the removal of a shed, relocation of a dumpster, addition of a car wash entrance sign with an arrow, a speed bump, and traffic arrows on the pavement.

Chris Sweeney stated that he had been in contact with the county. He also stated he will re-check the traffic analysis, and will send the information in a letter to Ron Sherman, P.E.

Muir suggested that the board refer the applicant's information to the Town Attorney for review.

**RESOLUTION P106-2007
REROB, LLC CAR WASH**

**CONCEPTUAL / PRELIMINARY SITE PLAN REVIEW
TAX PARCEL #57.04-1-4.0**

WHEREAS, this Board has received an application from Rerob, LLC for *Site Plan Review* for construction of a new single-bay automatic car wash, to be located on tax parcel #57.04-1-4.0 as shown on a drawing by Maxian and Horst Landscape Architects, Job No. 3037 dated March 2, 2007, revised March 15, 2007; and

WHEREAS, on April 30, 2007, Sarah Grace Campbell, the Applicant's attorney, requested that the Applicant be included on this Board's agenda and;

WHEREAS, by letter dated April 30, 2007, Sarah Grace Campbell, the Applicant's Attorney contests the need to seek Area Variance relief;

NOW, THEREFORE, BE IT RESOLVED, that this Board refers this documentation to the Town Attorney for his opinion as to whether an Area Variance is required and tables all documentation submitted as a Conceptual / Preliminary Site Plan Review pending his response.

Resolution by: Muir
Seconded by: Fleisher

CARRIED:

AYES: Fleisher, Ormiston, Stewart, Esty, Muir, Masler, Piersimoni

NAYS: None

ABSENT: Young

Dated: Tuesday, May 1, 2007
BIG FLATS, NEW YORK

By the order of the Planning Board of the Town of Big Flats

MARK FLEISHER
Chairman, Planning Board

**WINNER SUBDIVISION
PRELIMINARY / FINAL SUBDIVISION REVIEW
TAX PARCEL #46.00-2-33.1**

Fleisher reviewed the Preliminary / Final Subdivision and asked for comments or questions.

Ron Sherman explained that slight revisions to the map were made because the outline submitted by Jean Winner with her application was from the 1987 survey of the property, and not the more recent 1993 update.

**RESOLUTION P107-2007
WINNER SUBDIVISION
PRELIMINARY / FINAL
TAX PARCEL #46.00-2-33.1**

WHEREAS, this Board has received an application from Jean L. Winner, owner of tax parcel #46.00-2-33.1 for subdivision approval of 5.9387 acre parcel as shown on a survey map by Kenneth R. Decker, Licensed Surveyor, Job #21-87, dated June 12, 1987; and

WHEREAS, the parcel is located at 128 Breed Hollow Road in the Rural District (RU); and

WHEREAS, the applicant proposes to subdivide parcel #46.00-2-33.1 to create the following:

- Parcel A being 1.75 acres containing vacant land taken from parcel #46.00-2-33
- Parcel B being 4.189 acres that would remain containing a single residence

WHEREAS, pursuant to the Bulk and Density Control Schedule the area required for a subdivided parcel for a one unit dwelling with no water or sewer in the RU is a minimum of 3 acres; and

WHEREAS, this application does not comply with the Bulk and Density Control Schedule of the Town of Big Flats Zoning Law; and

WHEREAS, by Resolution P103-2007this Board has accepted and approved the documentation in this application as a Conceptual Subdivision Review in accordance with Title 16 of the Town Municipal Code and refers it to the Zoning Board of Appeals for an Area Variance; and

WHEREAS, by Resolution ZBA3-2007, the Zoning Board of Appeals has approved the subdivision of an estimated 2.1 more or less acre parcel from the surveyed 5.9387 acre parcel shown on the June 12, 1987, Boundary Survey, Lands Owned By Jean L. Jacobus (Carpenter), Town of Big Flats, County of Chemung, State of New York, Prepared by Kenneth R. Decker, Professional Land Surveyor, Big Flats, New York; and

WHEREAS, the intent of resolution ZBA3-2007, from the Zoning Board of Appeals meeting on April 26, 2007, is to place the division line within the following parameters:

- The division line subdividing Parcel A, the estimated 2.1 more or less acre parcel, from the surveyed 5.9387 acre parcel, shall begin in the centerline of Breed Hollow Road a distance of 322.50 feet at a bearing of S17-38-40W from the northwesterly corner of the surveyed 5.9387 acre parcel, and extend easterly from and perpendicular to Breed Hollow Road S70-36-41E to an intersection point in the easterly boundary line of the 5.9387 acre parcel; and
- The division line shall intersect the easterly property line north of the existing tree shown on the referenced Decker survey map; and
- The remaining estimated 3.8 more or less acre parcel south of Parcel A shall be identified as Parcel B; and
- The final area of Parcel B shall not be less than 3.0 Acre; and

- The existing and proposed Parcel B residence, water supply well, household wastewater treatment system, and other improvements listed in Table 2 of NYSDOH Appendix 75-A Wastewater Treatment Standards – Individual Household Systems, requiring a minimum separation distance from a property line, shall be shown on the final plat; and
- The division line shall be a minimum of ten (10) feet north of the items listed in the NYSDOH Appendix 75-A Table 2; and

NOW, THEREFORE, BE IT RESOLVED, that this Board accepts the subdivision review as a preliminary subdivision plat and accepts the preliminary plat as a final subdivision plat; and

FURTHER RESOLVED, that the final subdivision plat is approved subject to the following conditions:

- The Applicant shall submit one (1) Mylar and four (4) paper copies to the Planning Board Secretary; and
- The Applicant shall submit the approved subdivision plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair; and

Resolution by: Ormiston

Seconded by: Piersimoni

CARRIED:

AYES: Fleisher, Ormiston, Stewart, Esty, Muir, Masler, Piersimoni

NAYS: None

ABSENT: Younge

Dated: Tuesday, May 1, 2007

BIG FLATS, NEW YORK

By the order of the Planning Board of the Town of Big Flats

MARK FLEISHER

Chairman, Planning Board

**WREN VEHICLE STORAGE FACILITY
FINAL SITE PLAN AMENDMENT
TAX PARCEL #66.04-3-30.3**

Fleisher reviewed the final site plan amendment and asked for comments or questions.

**RESOLUTION P108-2007
WREN VEHICLE STORAGE FACILITY
FINAL SITE PLAN AMENDMENT
TAX PARCEL #66.04-3-30.3**

WHEREAS, this Board has received an application for Site Plan Amendment approval from Donna Wren for a proposed 70' x 120' pole barn storage facility as shown on a drawing by Fagan Engineers, dated February 10, 2006, revised March 23, 2007; and

WHEREAS, the property is located at the northwest corner of the intersection of County Route 64 / Main Street and Winters Road in the Commercial Light Industrial (CL) district; and

WHEREAS, the applicant intends to construct a 70' by 120' pole barn storage facility; and

WHEREAS, pursuant to the Bulk and Density Control Schedule, this is a permitted use within the CL district; and

WHEREAS, this application complies with the Bulk and Density Control Schedule of the Town of Big Flats Zoning Law; and

WHEREAS, for environmental review purposes this is a Type II action pursuant to NYCRR 617, and as such no further review is required; and

WHEREAS, this Board has allowed the required 30-day comment period for inter-municipal referral pursuant to General Municipal Law 239-nn to elapse and said municipalities have offered no comments; and

WHEREAS, this Board has accepted and approved the documentation in this application as a Preliminary Site Plan Amendment in accordance with Title 16 of the Town Municipal Code; and

WHEREAS, the Applicant has submitted a revised site plan and drainage analysis prepared by Fagan Engineers dated April 17, 2007, which indicates that the stormwater runoff generated by the 1, 10 and 100-year design storms is mitigated on-site,

NOW, THEREFORE, BE IT RESOLVED, that the documentation and preliminary plat is approved and accepted as *final plat* subject to the following conditions:

1. **Construction Timetable** – A timetable for construction of improvements shall be submitted to the Code Enforcement office prior to issuance of a building permit.
2. **Infrastructure** – All required approvals and permits shall be secured prior to construction of any infrastructure for the development.
3. **Stormwater Management** – Prior to construction of the stormwater management system relative hereto, the applicant shall obtain a SPDES permit pursuant to Phase II stormwater regulations. A copy of said approval shall be submitted to the Code Enforcement office stating that the owner shall maintain it in perpetuity.
4. **As-Built Drawing Requirements** – No Certificate of Occupancy shall be issued until all as-builts for all improvements associated with the project have been filed with the Town of Big Flats in paper and electronic format. Such as-builts shall be certified by a professional engineer.
5. **Failure to Comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon the finding of such violation.

6. **Noise** – Construction activities that by their nature create excessive noise shall occur between the hours of 7:00am and 8:00pm Monday through Saturday.
7. **Fugitive Dust and Road Maintenance** – Excessive dust created during the course of construction shall be controlled by wetting or by acceptable best management practices. The adjacent road surfaces shall be maintained free from debris and broom cleaned on a daily basis.
8. **Modification** – Deviation from the approved Final Site Plan is permitted only by prior approval of the Planning Board, or pursuant to 17.32.160 of the Town Municipal Code. Modifications shall be noted on as-built drawings submitted prior to issuance of any certificate of occupancy.
9. **Signs** – All signs shall comply with the requirements of Chapter 17.52 of the Town Municipal Code.
10. **Parking Area Requirements** – Pursuant to Town of Big Flats Zoning Law, parking of vehicles for repair or sales shall be confined to impervious surfaces only and shall not be parked or stored in required yards, setbacks, vegetated or grass areas of the parcel.
11. **Reclamation of Disturbed Areas due to Construction** – All areas previously disturbed by construction activity shall be re-seeded until vegetation is well established so that areas of impervious surfaces are well delineated from vegetation to protect sufficient drainage facility and groundwater quality.
12. **Property Maintenance** – The property shall be maintained pursuant to state and local property maintenance laws.
13. **Landscaping** – All landscaping shall be maintained in perpetuity.
14. **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 Outdoor Lighting Requirements; and
15. **Certificate of Occupancy** – Prior to issuance of any certificate of occupancy the site engineer shall certify in writing that the completed work conforms substantially to the approved site plan.

Fleisher asked for a motion to adopt the resolution.

Resolution by: Muir

Seconded by: Esty

CARRIED: **AYES:** Fleisher, Ormiston, Stewart, Esty, Muir, Masler, Piersimoni
 NAYS: None
 ABSENT: Younger

Dated: Tuesday, May 1, 2007
BIG FLATS, NEW YORK

**LESLIE & LAURA BUTTON
PRELIMINARY SITE PLAN REVIEW / GARAGE REPLACEMENT
TAX PARCEL #66.02-1-44**

Fleisher reviewed the conceptual and preliminary site plan application and asked for comments or questions.

Esty questioned what the garage would look like, and was shown a picture of the proposed garage that had been submitted by the applicant.

Eric Corey, Code Enforcement Officer, suggested the board may want to review the code regarding the allowed size of garages. He stated that many people are building larger garages now, and that he expected that there would be other applications needing variances for the same.

Stewart agreed saying people are building larger garages to store cars, equipment, etc.

**RESOLUTION P109-2007
LESLIE & LAURA BUTTON
PRELIMINARY SITE PLAN REVIEW / GARAGE REPLACEMENT
TAX PARCEL #66.02-1-44**

WHEREAS, the Planning Board has received an application for Site Plan Review from Leslie and Laura Button to construct a 32' x 28' (896square feet) garage, 22' 6" in height to replace the existing garage and;

WHEREAS, the property is 3.8 acres and is located at 126 Hillview Drive in the Residential 1 (R1) district and;

WHEREAS, Chapter 17.40.020(R1) of the Town Municipal Code permits the maximum size of an accessory structure in the R1 district to be 750 square feet, with two such buildings permitted to be built on one property with a maximum aggregate square footage of 1000 square feet with a maximum height of 20' and;

WHEREAS, this application does not comply with the Bulk and Density Control Schedule of the Town of Big Flats Zoning Law; and there will be a need to go to the Zoning Board of Appeals for a variance; and

WHEREAS, the adjoining property owners have been notified; and

WHEREAS, for environmental review purposes this is a Type II action pursuant to NYCRR 617, and as such no further review is required; and

NOW THEREFORE BE IT RESOLVED, this Board accepts and approves the documentation in this application as a Site Plan Review in accordance with Title 16 of the Town Municipal Code and refers it to the Zoning Board of Appeals for an Area Variance.

Fleisher asked for a motion to adopt the resolution.

Resolution by: Stewart
Seconded by: Ormiston

CARRIED: **AYES:** Fleisher, Ormiston, Stewart, Esty, Muir, Masler, Piersimoni
 NAYS: None
 ABSENT: Younge

Dated: Tuesday, May 1, 2007
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

MARK FLEISHER
Chairman, Planning Board

MEMBERS COMMENTS:

Mark Fleisher stated that the town would be interviewing candidates for the position of Planning Director on May 12, 2007.

Angela Piersimoni questioned the time line for submitting new information to applications that were on hold. The board agreed that this was information that needed to be checked in to.

Since there was no further business to come before the Planning Board, the meeting was adjourned at 7:20pm.

Respectfully Submitted,

Brenda Belmonte
Planning Board Secretary



**TOWN OF BIG FLATS
PLANNING BOARD**

REGULAR MEETING

**UNAPPROVED MINUTES
JUNE 5, 2007**

Members Present: Angela Piersimoni, Chair, Lee Younge, Bill Stewart, Carl Masler, Lance Muir, Scott Esty

Members Absent: Jim Ormiston

Staff Present: Ron Sherman, P.E., Interim Director of Planning, Mary Ann Balland, Town Supervisor, Brenda Belmonte, PB Secretary

Others Present: James Gensel, Tom Clark, Dean Frisbie, Darlene Barnes, John Macri, George Miner, Dan Collins, Chuck Coons, Joseph Navaie, See Attached List

Meeting called to order at 6:30PM by the Chair, noting all members were present except Jim Ormiston

Piersimoni suspended the meeting at 6:31 and reconvened at 6:34 to resume the business portion of the meeting.

Minutes

Piersimoni asked for any corrections to the minutes of May 1, 2007. **Motion by Stewart to approve the minutes, seconded by Muir, Discussion: None Motion Carries 6-0.**

Rerob Car Wash, LLC

Piersimoni reviewed the site plan application. Sherman offered his comments including referring to a letter from Town Attorney Tom Reed dated May 23, 2007. The Applicant's attorney has advised that they will not attend this meeting, but will be at the June 28, 2007 meeting.

Button Garage Replacement

Piersimoni reviewed the site plan application. Sherman advised that the applicants were on the agenda for the May 31, 2007 ZBA meeting, but did not attend the Public Hearing. The ZBA will reopen the public hearing at the June 28, 2007 meeting if the applicant is present. The secretary has advised the applicants of this.

Federal Express

Piersimoni reviewed the site plan application. Sherman noted that the preliminary plan has been revised to include landscape and lighting plans and designated parking spaces.

Motion to approve the preliminary and final by Muir, seconded by Masler, Discussion: None, Motion Carries 6-0.

Bravo Subdivision

Piersimoni reviewed the site plan application. Sherman advised as to the need for two variances from the ZBA. **Motion to refer applicant to the ZBA by Stewart, seconded by Esty, Discussion: None, Motion Carries 6-0.**

**TOWN OF BIG FLATS
PLANNING BOARD
UNAPPROVED MINUTES
...CONTINUED JUNE 5, 2007**

Thirty Pines Subdivision

Sherman reviewed the concept plan with the board. Applicant proposes to subdivide three five-acre parcels from original 149.783 along Seeley Road. The town of Catlin has been notified.

Simmons Rockwell / Colonial Drive

Piersimoni reviewed the concept plan, and Sherman offered his comments. The board discussed the possibility of having more green landscaping and fewer catch basins. Muir suggested the applicant provide a map that includes the surrounding properties.

Wilson Restaurant Equipment

Piersimoni reviewed the concept plan. The applicant, Jeffrey O'Donnell, agreed to have "wholesale only" on the sign, and to have the sign in the yard as opposed to on the building. A complete preliminary plan will be presented to the board, including window and door placement as discussed.

Chemung County IDA / Fortuna

Piersimoni reviewed the concept plan, and there was a discussion regarding the need for two driveways. The board discussed the large amount of traffic flow in that area and the future placement of stoplights. John Manning, Fortuna representative, stated there are 60 employees presently with a five-year projection of 20 more. On-site lighting was reviewed, including any that would be on throughout the night. Gensel will supply a full submission for July including traffic compliance, landscaping, and any major items indicated.

Soul Full Cup

Piersimoni reviewed the concept plan, and Sherman offered his written comments. Joe Navaie explained his proposed plan to the board. Muir stated the need for a scaled drawing, and the board discussed the size of the lot, the need for a variance for a change of use and the parking complications that might arise from having jazz band entertainment. Sherman will speak with Tom Reed to clarify the information regarding a previous application.

Comments:

Esty stated that although he has a consulting agreement with Fortuna, he does not believe it would inhibit his ability to be involved in the Planning Board's decision. Stewart said it was agreed previously that the Board members have a right to vote on any application unless there is a significant financial interest in the success of the business. Frisbie discussed the hiring of a new planner; Sherman will help with the transition of Justin Woods who will start at the end of June.

Motion to adjourn the meeting 8:35 by Younge, seconded by Stewart, Discussion, None, Motion carries 6-0. Meeting adjourned at 8:36.

**TOWN OF BIG FLATS
PLANNING BOARD
UNAPPROVED MINUTES
... CONTINUED JULY 3, 2007**

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**TOWN OF BIG FLATS
PLANNING BOARD**

REGULAR MEETING

**UNAPPROVED MINUTES
JULY 3, 2007**

Members Present: Angela Piersimoni, Chair, Lee Younge, Bill Stewart, Carl Masler, Lance Muir, Scott Esty, Jim Ormiston, Gary Nelson, Alternate Member
Members Absent: None
Staff Present: J. Justin Woods, Planning Director, Brenda Belmonte, PB Secretary
Others Present: Ron Sherman, P.E., MaryAnn Balland, Town Supervisor, See Attached List

Meeting called to order at 6:30PM by the Chair, noting all members were present, including the alternate.

Minutes

Piersimoni recommended the board members review the minutes from June 5, 2007 at the August 7 meeting since no one has had time to review them.

Thirty Pines Subdivision

Public Hearing Opened at 6:33 Public Comments: None

The Planner explained that this is technically 2 subdivision applications due to road location and offered to amend the description and re-number the lots. Piersimoni reviewed the comments from Sherman. It was agreed the Planner would amend the resolution. **Motion to close the public hearing at 6:35 by Esty, seconded by Ormiston: Discussion: None, Motion Carries 7-0 Chair.**

Motion to approve the preliminary and final plans, with the amendments offered by staff by Esty, seconded by Ormiston, Discussion: None, Motion Carries 7-0.

H & L Subdivision – Public Hearing

Public Hearing Opened at 6:40, Public Comments: None

Piersimoni and Sherman reviewed the application. Everything appeared to be in order.

Motion to close the public hearing at 6:42 by Esty, seconded by Ormiston: Discussion: None, Motion Carries 7-0 Chair.

Motion to approve the preliminary and final plans, seconded by Muir. Discussion: None Motion Carries 7-0

Note: 6:45 Bill Stewart left the room.

Wilson Restaurant Equipment

The Planner explained that he received revised plans just prior to the board meeting. **Motion by Younge to continue to the next meeting to review the revised plans, seconded by Masler. Discussion: None, Motion Carries 6-0.**

Note: 6:50 Bill Stewart returned.

Note: 6:51 Scotty Esty stated that he does work for the applicant (Fortuna) and has been advised to recuse himself from participating in any action on the following item.

**TOWN OF BIG FLATS
PLANNING BOARD
UNAPPROVED MINUTES
... CONTINUED JULY 3, 2007**

Chemung County IDA / Fortuna

There were questions from the board regarding the traffic study, ingress and egress, and traffic stacking. Gensel explained the details of how the traffic study was done and the location of the driveways. He also explained details of the traffic table, the landscaping, and the storm sewer location. **Motion to approve the preliminary and final by Muir, seconded by Ormiston, Discussion: None, Motion Carries 6-0**

Soul Full Cup

Sherman stated this application is a change of use as the applicant plans to add a second story and have jazz band entertainment. Navaie said he has changed his plans regarding the proposed addition and distributed a newly engineered design. The Planner stated the new plans would need to be reviewed by the board and also the Chemung County Planning Board minutes had not been received until late today. The main concern is relative to the traffic from the pick-up window. There was a lengthy discussion regarding traffic concerns and having a pick-up window as compared to a fast food restaurant. It was decided that the following information would be required; a traffic study and details relative to the inside plans for the building. The Planner recommended this be continued at the next meeting once the requested information is submitted. **Motion to continue until next meeting by Esty, seconded by Stewart. Discussion: None, Younge opposed, Motion Carries 6-1.**

Kathy Young Subdivision - Concept Plan

Sherman read a description of the application along with his comments. The Planner offered his comments, specifically on the issue of private roads. Ormiston suggested, due to the complexity of the application, a SEQR long form be completed - staff will review requirements and discuss with Allen. The board discussed the details regarding any future logging intentions and any future development / building on the proposed lots.

Comments:

MaryAnn Balland, Town Supervisor, said the Vacant Structures proposal was available. The secretary will make copies and distribute them to the board. The Planner discussed the minutes procedures and proposed submitting staff reports on each application in lieu of draft minutes. A staff report would include staff recommendations and would also be given to the applicant as part of their due process. The board agreed to this without objection.

Motion to adjourn the meeting 8:00 by Stewart, seconded by Muir, Discussion none Motion carries 7-0. Meeting adjourned at 8:01.



**TOWN OF BIG FLATS
PLANNING BOARD**

REGULAR MEETING

**UNAPPROVED MINUTES
AUGUST 7, 2007**

Members Present: Angela Piersimoni, Chair, Lee Younge, Bill Stewart, Carl Masler, Lance Muir, Scott Esty, Jim Ormiston
Members Absent: None
Staff Present: J. Justin Woods, Planning Director, Brenda Belmonte, PB Secretary
Others Present: James Fagan, Jerry Welliver, Carolyn Welliver, Dean Frisbie, Steve Hoffman, Don Gaylord

Meeting called to order at 6:30PM by the Chair, noting all members were present. Chair noted that the alternate member had resigned and asked the Board members to consider assembling a list of names to forward to the Town Board for consideration.

New Business:

1) Minutes

Chair stated that she would entertain a motion to approve the minutes of June 5, 2007 for the purposes of discussion. **Motion by Masler seconded by Esty, to approve the of June 5, 2007 minutes with the following corrections:**

Page 1, Line 20 After, "Piersimoni suspended the meeting at 6:31" and before "and reconvened at 6:34 to resume the business portion of the meeting." "so that the Town Supervisor could speak about Mark Fleisher's resignation..."

Page 1, Line 30 in between June 28, 2007 and meeting, insert ZBA.

Page 2, Line 13, delete "catch basin" and replace with "detention ponds"

Discussion: None Motion Carries 7-0.

Chair stated that she would entertain a motion to approve the minutes of July 3, 2007 for the purposes of discussion. **Motion by Masler seconded by Esty, to approve the of July 3, 2007 minutes with the following corrections:**

Page 1, Lines 27 & 36, Delete the word Chair from the ends of the sentences

Page 2, Line 5 delete "location of the driveways," add "and reduced the number of driveways to 1 as the board requested."

Discussion: None Motion Carries 7-0.

2) Proposed Meeting Schedule – See attached memo w/ schedule

Planner explained the proposed new schedule will give applicants / designers a reasonable timeline for items requested. Meetings have been scheduled to accommodate for major holidays. All meetings will be held in the town's courtroom. The secretary will send an official final copy to all members. **Motion by Younge to adopt new meeting schedule, seconded by Stewart. Discussion: None Motion Carries 7-0.**

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- 3) Rules of Procedure – Provided for reference. Board will review any changes at its annual organization meeting. Members asked to review and think about any proposed changes.
- 4) Training Requirements – September 19 & 20 – Free training in Horseheads. The planning secretary has registered all board members. These hours will count towards the members' training requirements.
- 5) Town Board discussing Length Terms/Limits on Chairs/Residency Requirements
Town Board is reviewing terms of all Boards & Commissions, possibly recommending each term be 3 years. Also discussing changes to Chair person's term length – a proposed cap on two consecutive years as chair allowing the members to rotate. Town Board will continue to appoint the Chair. The Town Board is also discussing residency requirements of board members.
- 6) Authorization Signatures –
Approving and endorsing this document would allow the Planning Director to sign approved decisions and plans for the board. It is anticipated that the staff would present a new document at the first meeting of each year so that it is updated w/ new members and new terms. **Motion by Younge to approve authorization signatures, seconded by Ormiston, Discussion: None, Motion Carries 7-0.** Each board member signed the signature authorization.
- 7) Vacant Structures – County Planning Board hearing is at 2:00 on August 16. The Planning & Code Office is preparing to implement the law w/ assistance from the Assessor's office assuming the Town Board approves the law on August 22. Muir and the Planner summarized the details, and suggested the board review and provide any comments.
- 8) Ridgeline Protection Ordinance – There will be a presentation on the map of the overlay district at the August 8 Town Board meeting. The front side of all the ridges in the viewshed above an elevation of 1100 feet will be included in the Overlay District. The Draft Ordinance, as developed prior to the Planner's arrival is enclosed for review. The Planning Department is still reviewing and drafting changes to this ordinance. Proposed changes will reflect developing objective visual analysis criteria and should be complete before the August 22 Town Board meeting, at which they plan to set a hearing date.
- 9) Mail Bag
Correspondence to and from Sarah Grace Campbell RE Rerob, LLC
ZBA Denial of Bravo Subdivision
H & L Realty Subdivision Approval
Thirty Pines Subdivision Approval
Fortuna/IDA Site Plan Approval
- 10) Reynolds Subdivision – Planner reported that it is not a complete concept plan submission. Engineer is revising lots to conform w/ Zoning. No new plan submitted yet.

**TOWN OF BIG FLATS
PLANNING BOARD
UNAPPROVED MINUTES
AUGUST 7, 2007
PAGE 3 OF 4**

Old Business

11) Bravo Subdivision – Applicant has submitted a written request to withdraw the application. Staff recommends approving a motion to let Mr. Bravo w/draw the subdivision request w/out prejudice. Motion to accept Bravo application withdrawal without prejudice by Stewart, seconded by Ormiston. Discussion: None Motion carries 7-0.

12) Kathy Young Subdivision

Planner reported that it is not a complete concept plan submission. Jody Allen expects to submit more information before the next meeting.

13) Soulful Cup Site Plan

Staff met w/ the Applicant and his consultant and they agreed to remove the Drive-thru window to comply w/ the Town's Zoning. The applicant has not yet completed a drainage plan, however the applicant's consultant has stated that this should be submitted by the Re-submission Deadline of August 17 for the September 4 Meeting. Motion by Esty to continue Soulful Cup hearing to September 4, seconded by Muir. Discussion: None, Motion carries 7-0.

14) Wilson Equipment Storage Site Plan

Bill Stewart stepped down from the board during this discussion (7:02). Staff met w/ the Applicant and his consultant, the landowner, along with Ron Sherman and Scott Esty. Planner explained the details agreed to by the applicant and his engineer. Ron Sherman sent a letter dated August 3, 2007 in response to the letter from the applicant's engineer. The revisions must be received within 30 days. Muir motioned to accept the staff recommendation and incorporate the MRB letter in the list of conditions, seconded by Younge. Discussion: None, Motion carries 6-0. Stewart returned to board table at 7:10.

15) National Retail Restaurant - Gensel introduced Steve Hoffman, attorney for the National Retail Restaurant, and addressed revisions to the plan in regard to the concerns of the planning department. Planner reviewed the applicant's proposed changes, explaining they were significant enough to be brought in front of the board again. The requested changes would help to control the anticipated increased traffic flow. Gensel and Hoffman reviewed the developer's concerns regarding the requested changes. Planner noted the as-built is different than what was approved, and recommended this be approved with conditions. Planner stated that 8 new parking spaces, not approved by the site plan, had been created - this meeting is the only opportunity the board has to request any changes to the site plan. Hoffman presented his client's objections to modifying the internal road as recommended by the planning staff - The developer has presented the site plan to the town and the county numerous times for review. The site was constructed and the developer has made significant moves toward beginning a site plan that they believe had been approved - the changes requested by the board would create unknown costs with the Target and Best Buy leases due to changes in the parking lot. Planner stated there are significant changes to the proposed site plan, including relocating the building and creating new parking spaces. No written approvals have been provided by the applicant – no record of an administrative approval of the site plan. The site is not currently functioning well in terms of safe traffic flow because the internal road is too close to the intersection and doesn't allow enough room for the

**TOWN OF BIG FLATS
PLANNING BOARD
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1 stacking of vehicles. If anyone has driven there during lunch, they know this is a problem.
2 With the increased traffic intensity of additional uses, especially during the holidays, this
3 problem will only get worse. The board should condition the approval on connecting drives
4 B and C on the south side of the proposed building and close the top part of Drive B. Stewart
5 stated and Esty and Younge agreed, that community's safety was the Board's main priority.
6 **Stewart made a motion, seconded by Muir, to continue the site plan review at the next**
7 **meeting on September 4, allowing time for Town Attorney Tom Reed to review and**
8 **comment. Discussion: None, Motion carries 7-0.**
9

10
11 **Motion to adjourn the meeting at 7:52pm by Stewart, seconded by Masler, Discussion: None,**
12 **Motion carries 7-0. Meeting adjourned at 8:36.**



**TOWN OF BIG FLATS
PLANNING BOARD**

REGULAR MEETING

**UNAPPROVED MINUTES
SEPTEMBER 4, 2007**

Members Present: Angela Piersimoni, Chair, Lee Younge, Bill Stewart, Carl Masler, Lance Muir, Scott Esty, Jim Ormiston
Members Absent: None
Staff Present: J. Justin Woods, Planning Director, Brenda Belmonte, Planning Secretary
Others Present: Gerald Welliver, Carolyn Welliver, Bob Byland, Dave Seely, Joe Navaie, Tom Clark

Meeting called to order at 6:30 by the chair, noting all members were present.

New Business:

1) Minutes

Chair asked for a motion to approve the minutes of August 7, 2007. **Motion by Younge seconded by Stewart to approve the minutes of August 7, 2007 with the following corrections:**

Page 4, Line 6 before Stewart motion, Insert Motion by Younge, Second by Esty Discussion: None, Motion fails 2 in favor (Lee, Esty) 1 against (Masler), and 3 abstentions (Stewart, Ormiston, Muir).

Discussion: Masler stated that without the motion, the minutes were incomplete, **Motion Carries 7-0.**

2) REPORTS

- a) Vacant Structures Law Update – Passed by Town Board on Wednesday, August 22, 2007.
- b) Ridgeline Overlay District – Public Hearing Scheduled by Town Board for September 12, 2007. The Town Board is looking for a recommendation on the proposed law from the Planning Board. ZBA recommended approval on August 28, 2007. **Discussion:** Planner reviewed the proposed law stating the intent is to protect the major scenic views and scenic resources. The criteria for review have been revised more objectively, making it more fair. A site plan application would require a visual component. Planner has researched this quite thoroughly before creating the visual impact assessment matrix. Landscaping requirements would allow protection of the view. Younge questioned what would happen in the future if a person violates the law. This would be a code violation and would apply to all areas in the town in the overlay district. Hopes are that this board will give a favorable recommendation to the town board. Younge asked about the requirements for taking trees down. Planner explained more than a quarter of an acre cannot be cut without applying for a timber harvest permit. Esty questioned the effect on companies drilling for gas in the area. We have no local jurisdiction over gas drilling. Esty commented that the gas drillers do not apply for a permit to the town although they are drilling in some of the higher elevations. Stewart questioned the permit requirement for clear-cutting more than a quarter of an acre. This would be a code issue if they were cutting more than the allowed area. The ZBA recommended approval of the proposed law to the Town Board at their last meeting. Stewart suggested this be revisited at the end of the meeting - Tabled until end of meeting.
- c) Chemung River Comprehensive Plan – Planner, along with Younge presented a brief presentation of the Regional Planning effort looking at connecting existing trails and parks to the proposed Chemung River Greenway trail and greenway. This is not a plan for the actual river itself, but for the communities the river connects. Each community has a representative working on the plan. The entire group spent a day along the river at various boat launches and parks to explore options

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SEPTEMBER 4, 2007
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The next phase will be to apply for grants to begin construction on the determined priorities. The study explored ways to connect existing trails and parks with the greenways in the town. The basic goal is to enlarge the network for biking and walking throughout the town. A public presentation of the entire plan will be held at the Holiday Inn in Elmira on September 13th at 7:00 pm. There will also be a meeting held at the Big Flats Community Center on October 18th at 7:00 pm. There was a discussion of the trails being located in the floodway and the cost of cleanup after flooding. Planner explained that the trails could be developed as to not be drastically affected by flooding.

3) CONTINUED APPLICATIONS

- a) Soul Full Cup – Drainage Plan has been reviewed favorably by MRB. The drive through window has been removed from the plan. Planner recommended approval with conditions as drafted. **Motion by Stewart to approve with conditions as drafted, seconded by Muir, Discussion: None Motion Carries 7-0**
- b) Kathy Young Subdivision – Application remains incomplete, Applicant submitted a continuance Request. Planner explained what was still required by the applicant and engineer. **Motion to continue until October 2nd meeting by Masler seconded by Younge, Discussion: None, Motion Carries 7-0**
- c) National Retail Restaurant - A fax was received this afternoon from Attorney John Moore to withdraw the application. Parcel is still available to develop; however any proposed plan would require approval before constructed. Planner needs to review further for documentation of what has been previously approved. Stewart commented that he has studied the parking lot and he doesn't believe implementing another entrance, exit or bypass road will change anything. The Chair said that stacking was the issue and the current stop sign and signal control that. **Motion by Muir to approve the application withdrawal without prejudice, seconded by Esty. Discussion: None, Motion Carries 7-0**
- d) Re-Rob Carwash Planner stated a fax received from Sarah Campbell, Esq., representative for Rerob LLC asked for guidance as to whether to submit a revised site plan to meet the zoning requirements or withdraw the pending application and submit a new one. Masler questioned the lot coverage variance. Planner explained applicant has already received an area variance regarding lot coverage. Younge said she would like to see a new submission. Esty commented that the applicant could lease the building as a food business without submitting new plans. Stewart said the board should review anything submitted timely.

4) NEW APPLICATIONS

- a) Harley Davidson – This application does not comply with zoning. Planner recommends a referral to the ZBA for variance review. Piersimoni raised a concern that this would be across the street from senior citizen housing. Stewart commented on the Town of Big Flats zoning laws – this is a good business that could be driven away due to the current zoning laws. This applicant cannot go any further east due to dealership boundary requirements. One option is to send the application to the ZBA for a variance. Another option is to request the town board change the zoning. Stewart stated there are other areas in the town that would accommodate such a business. There was discussion regarding the current Four Seasons lot – the lot would meet several of the requirements, and is currently the same use. Stewart commented that if this business is put in the hamlet, a precedence would be set opening it for any other businesses. The proposed business wants visibility from the highway and would

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screen between itself and the senior housing. Muir said this business would fit the area, however the perception of these motorcycles near the senior housing is one of noise and traffic. **Motion by Younge, seconded by Piersimoni to refer application to the ZBA for variance review with the board's recommendation to deny the variance because the proposed use is inconsistent with the land use planning for the hamlet area. Discussion: Esty believes this will send an unwelcome message. Stewart stated the business is welcome, but not on this site in the hamlet. Esty would like this to be made clear to the applicant. Motion carries 7-0**

5) MEMBERS COMMENTS

6) CORRESPONDENCE

- a) DEC - Smith Mining Pit – Planner described the details of the letter. The mining pit would be located in the conservation district and is not permitted. He has asked the DEC to update their findings with what the town laws require. Regardless of what the DEC issues, this project will need to go to the ZBA for a variance.
- b) Wilson Restaurant Equipment Decision
- c) Bravo Application Withdrawal
- d) Rerob, LLC Variance Denial
- e) Soaring Ridge – Planner explained that the original conditions contradicted each other by stating the applicant is to maintain the road for 5 years before the town accepts it / and also maintain it for 5 years after being accepted. The intent was to allow the town to accept the infrastructure with bonding to guarantee it for the next five years. Each phase will be accepted and bonded independently. Typically the planning board sets the bonds; if the individual wants a bond reduction, they need to come before the board once again. This allows the board to be involved in the oversight. In the future there should be some revisions as to how some of the conditions are developed. Bond reduction explained in detail by the planner. Piersimoni called attention to a letter from Larry Wagner regarding the naming of the road – town code requires a road to be named something individual so it is not confusing to emergency services.

7) OTHER BUSINESS/ACTION

Interviews for Planning Board Alternate Member – Town Counsel recommends going into Executive Session and inviting the candidates one at a time.

Motion by Stewart, seconded by Piersimoni to move in to Executive Session to interview candidates for Planning Board Alternate Member at 7:45.

Motion to come out of executive session by Stewart, seconded by Muir at 8:25. Motion carries 7-0.

Younge Motion to recommend to the Town Board that both candidates interviewed were acceptable candidates for consideration as the PB Alternate member with Bob Byland as the first choice of the Planning Board and Dave Seely as the Second choice. Second by by Stewart Discussion: None, Motion Carries 7-0

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Ridgeline Overlay District (discussion continued from earlier)

The board returned to the Ridgeline Overlay discussion. Lance stated concerns with the vagueness of terms and definitions in the law and how it will be enforced; however the sections at the end do have some clarification. This law applies to residential as well as commercial properties. Younge agrees with the intent of this law and suggested it be recommended to the town board with comments. Planner stated any comments would be addressed at the public hearing on September 12. The board discussed whether they agree with this as a concept. Planner explained there are two steps to a recommendation – first would be a recommendation from this board and then it would be forwarded to the county planning board for their recommendation. Piersimoni stated the board agrees with it, however not everyone has had time to study it thoroughly. Muir stated it lacks specific definitions. Planner explained he has added an objective matrix to help define terms and make very clear what would be required. Muir feels the matrix does bring some organization to this, however he still finds it confusing. The design professional will address this in any submissions. This will be an additional cost to the homeowner. Stewart commented that this is adding to the price of homes, which is in contrast to making affordable housing. Esty stated that as a Board they might not come up with a collective opinion, and perhaps each member should submit comments to the planner individually. Planner explained the law requires that a recommendation come from the planning board. The board can recommend an approval and individuals can submit comments prior to the public hearing. **Young made a motion, seconded by Esty to recommend the proposed Ridgeline Protection Ordinance to the town board with individual comments being submitted separately. Discussion, None, Motion carries 6-1 with Stewart voting against.**

Motion to adjourn at 8:50 by Stewart, seconded Muir, Discussion, None, Meeting adjourned at 8:51



**TOWN OF BIG FLATS
PLANNING BOARD**

REGULAR MEETING

**UNAPPROVED MINUTES
OCTOBER 2, 2007**

Members Present: Angela Piersimoni, Chair, Bill Stewart, Carl Masler, Lance Muir, Scott Esty, Jim Ormiston, Alternate Member Bob Byland

Members Absent: Lee Younge

Staff Present: J. Justin Woods, Planning Director, Brenda Belmonte, PB Secretary

Others Present: Anthony Mosso, Scott Moore, Tom Clark, Karl Schwesinger, Carolyn Welliver, Larry Albee, Ralph Gould, Eldora Gould, Donna Wren, John Wren, Wade Irmischer

Meeting called to order at 6:30 by the Chair, noting Lee Younge was absent and welcoming the new Alternate Member.

MINUTES

Chair asked for a motion to approve the minutes of September 4, 2007.

Motion by Muir, seconded by Ormiston, to approve the minutes of September 4, 2007, Discussion, None, Motion Carries 6-0.

REPORTS

Strawberry Flats

Attorney Scott Moore, on behalf of Anthony Mosso, explained that the Strawberry Flats rental units have been converted to a town house plan. The Planner noted that administrative approval for the conversion was issued previously by Ron Sherman and Mark Fleisher. Each individual will own each townhouse separately and a Homeowners Association will be formed to own the land, roads and drainage. New York State requires the Homeowners Association to set up Transportation Corporation, allowing the private septic system to be maintained by owners' fees. The septic plan is already in place and has been approved by the health department. The municipality must consent to the establishment of a Transportation Corporation primarily to acknowledge that the owners understand the town would be able to intervene for public health and safety issues. If the Homeowners Association and/or Transportation Corporation failed, the town would step in to take control of the situation, assess a levy, and return it to the association after the levy has been assessed. Muir asked if the town attorney agreed with the interpretation as presented. Moore said he met previously with Town Supervisor Mary Ann Bolland, Attorney Tom Reed, Planner J. Justin Woods, and DPW Commissioner Larry Wagner. Esty asked if there is any history regarding the expenses the homeowners would owe for the maintenance. Mosso explained that the developer is responsible for paying monthly fees for any townhouses not sold. The septic system is new and was designed by Allen Engineering and approved by the County Health Department. The fees collected would build a fund for year-to-year maintenance and would build up over time for future maintenance. Stewart asked what the construction life of the system was. Mosso said the system is typically constructed for 20 to 30 years and the expansion areas required by the county are already in place. Muir asked how the Transportation Corporation is held to maintaining the system the right way. Moore stated that the Homeowners Association would likely hire an outside person similar to those hired for sidewalk and lawn maintenance. Muir asked if the owner would insist on professional oversight. Moore answered it is doubtful an expert would sit on the board. Muir commented that one year of bad operation would take 10 years off the life of the system. Piersimoni asked if it would be feasible to use the built up funds to have an expert available. Moore said that the homeowners could not be forced to do the right thing. The Planner suggested perhaps the requirements that needed to be followed could be incorporated into the articles of the corporation. Muir is concerned with the possible lack of effort by the Homeowners Association. Moore stated it could be a requirement in the bylaws of the Homeowners Assoc or the Transportation Corporation and that it would make sense to insert something of that nature. Muir agreed,

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1 saying incentive or encouragement is needed to make sure this happens. Moore said Mosso understands
2 these concerns, however, if requirements were put into the bylaws, they still may not be followed - it is
3 the people you need to educate. Piersimoni asked if Mosso would still be responsible once a Homeowners
4 Association is formed. Moore replied that once the units are all sold it would be the responsibility of the
5 Homeowners Association. Stewart stated that the health department will dictate any needed
6 requirements. Mosso asked what would make the town more comfortable with their concerns of neglect.
7 He said there are two alarm systems, one audible and one visible to prevent maintenance issues. Also, the
8 systems have recently been pumped and checked by Sheesleys. The basic rule of thumb for pumping is
9 every six years and there is a professional involved with inspections when the system is pumped. Muir
10 feels the Transportation Corporation is basically a piece of paper and wonders if the people involved will
11 have the correct avenues to follow. Mosso explained that if a Homeowners Association is created, there
12 would be a board of which he would be a member. It will be an educational process for the owners who
13 become involved as board members. Muir wants the town to understand the concerns regarding the
14 implementation of a maintenance program. **Motion by Stewart, seconded by Muir to recommend that**
15 **the town board consent to the establishment of a Transportation Corporation with the condition**
16 **the that the Transportation Corporation and/or Homeowners Association places in its bylaws**
17 **requirements for maintenance on the systems, and there be a documented and understood**
18 **maintenance plan for the system. Discussion, None, Motion Carries 7-0.**
19

20 Chemung County Planning Board Agreement

21 This agreement would allow for applications with no regional impact to be returned to the town for local
22 determination in a timelier manner **Motion by Esty, seconded by Byland to make a recommendation to**
23 **approve the Chemung County Planning Board Agreement. Discussion, None, Motion Carries 7-0.**
24

25 Chemung River Master Plan

26 Esty reported that a lot of work has gone into this plan to access and make use of the river for recreation.
27 The creation of hiking trails would tie into the towns existing trails and parks. A public meeting will be
28 held on October 18th, from 6:30 – 9:00pm at the Big Flats Community Center. The plan will be on display
29 from 6:30 – 7:00 followed by a presentation by the consultant along with an open session to the
30 community.
31

32 Schweizer Brownfield Investigation Report

33 This was a remedial investigation report that discovered some brownfield contamination on the site. The
34 report recommends a remedial work plan to deal with the contamination. The town will have 45 days to
35 comment on the work plan once it has been submitted.
36

37 Training Reports

38 Local Training – Piersimoni found the training sessions very interesting and feels it is very good to
39 refresh. She noted that every member of the ZBA was present.

40 APA Conference – The Planner reported that a portion of the conference was focused on greenway
41 development, and was timely due to the Chemung River Comprehensive Plan. He and Jennifer Miller are
42 in the process of writing an article about the conference and what relevance it has to this area.
43

44 **NEW APPLICATIONS**

45 John's Truck & Auto Subdivision
46

47 **Chair Opened the Public Hearing at 7:37PM:**

48 The Planner explained the application is to subdivide approximately two acres on County Rte 64 and
49 Winters Road. The public hearing notice was published in the Star Gazette and the abutting property
50 owners have been notified. Karl Schwesinger of Fagan Engineers stated that there is no specific use

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PLANNING BOARD
UNAPPROVED MINUTES
OCTOBER 4, 2007
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1 planned and no potential buyer at this time. The issues of concern are drainage, the nearby 4-way
2 intersection, and much of the area is in the flood plain. Any development in the flood plain is required to
3 develop above certain elevations with drainage in the lower areas. Schwesinger stated it would be
4 difficult saying where the access would be without having a potential buyer. Piersimoni questioned the
5 drainage concerns. Schwesinger stated that any proposed project would need to be presented to the board
6 through a site plan application; this is just an application for a subdivision. The Planner stated that the
7 County DPW expressed concerns with the drainage based on the first development done here and the
8 plans for the future include a traffic signal at this intersection. He recommends requesting a written report
9 from the County or Town DPW stating that access to the proposed site is feasible before approving the
10 subdivision. Stewart stated his opinion is that the vegetation will absorb most of the water due to the way
11 the property sits. He doesn't have any concerns with drainage on such a small lot. Masler asked what
12 could be done in the 100-year flood plain. Schwesinger stated you must build above a certain elevation in
13 the floodplain, and no filling is allowed in the floodway. The Planner said a certified elevation survey
14 would be required. Also, transitions and buffer yard requirements have not been shown. Wren
15 commented that a transition yard could not be shown until it is known what is being built. He also
16 questioned the need to show a transition yard in order to subdivide. The Planner answered zoning and
17 constraints must be shown so the board knows if they are approving a buildable lot. The Planner
18 reviewed the map elevations with Stewart, Schwesinger and Wren, and recommended to the board that
19 the access issue be resolved first. Stewart commented if it is within the law, there are no issues to work
20 out. Wren said there is already an entrance to the property.

21
22 **PUBLIC COMMENT**

23 Eldora Gould, 32 Winters Road, Big Flats, NY - Gould stated that for years they have been told this lot
24 could not be subdivided due to the way the building was situated on the lot. Traffic concerns with the
25 school on Winters Road would also be an issue. She also asked if a subdivision could be approved
26 without knowing what would be going in to the lot.

27
28 Ralph Gould, 32 Winters Road, Big Flats, NY - Gould stated he was told by Mary Ann Balland this lot
29 could not be subdivided and wonders why suddenly it appears that it can be.

30
31 The Planner stated that the board could not speak to what someone did or did not say, and must make
32 their decision according to the law. He recommends continuing to investigate the access issue, and if the
33 access issues can be resolved, he could draft a decision for the next meeting on October 30th. Stewart said
34 he believes there are no issues and the board should move forward. Byland asked what constitutes light
35 commercial. The Planner read the allowable/permitted uses from the Zoning, which include; daycare,
36 adult use, farm market, government center, school, place of worship, public utility, antenna, car wash,
37 catering, crematory, dry cleaning, flea market, funeral service, gas station, printing or publishing, vehicle
38 uses including sales, wireless communication, manufacturing, warehouse, truck terminal, and other
39 accessory uses. Schwesinger referred to a letter from Fagan Engineering dated August 31, 2007, which
40 addresses changing this district to Business Neighborhood (BN). The Planner said this board cannot
41 approve a zoning change. The process begins with a petition to the Town Board and a Public Hearing
42 would also be required. The county has referred the subdivision request back to the town for local
43 determination with negative comments. If access cannot be granted it would not be good public policy to
44 grant a subdivision. The purpose of subdivision is to make sure all lots have safe and adequate access.

45 **Esty made a motion, seconded by Muir, to continue the Public Hearing to the next meeting at which**
46 **time the access issue will hopefully be resolved. Discussion, None, Motion Carries 7-0.**

47

**TOWN OF BIG FLATS
PLANNING BOARD
UNAPPROVED MINUTES
OCTOBER 4, 2007
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Benjamin Farms/Larry Albee Subdivision

Albee has received written authorization from the owner of Benjamin Farms to submit a subdivision waiver for a boundary line adjustment. The Planner has drafted a decision and recommends the waiver be approved. **Motion to grant the waiver and approve the boundary line adjustment by Masler, seconded by Ormiston. Discussion, None, Motion Carries 7-0.**

Wade Irmischer Windmill Concept Plan

This plan is being presented to the board for discussion purposes only. Irmischer has petitioned the Town Board seeking to rezone his property from R1 to RU for the purpose of installing a residential/agricultural windmill. The surrounding property is rural (RU) and the law allows residential windmills in the RU district. Esty asked what the windmill would have the power to do. Irmischer said the windmill can produce 1.8 mega watts. He has observed this particular company for two years and has had some wind tests done on his property. An individual can only produce approximately 80 percent of what their usage is. Due to net metering, if an individual generates more than he uses, the utility company must buy it back. Therefore, the size of your system is regulated. The 30-foot tower would not be feasible; it would be like putting solar energy in a shaded area – a 70-foot pole is recommended. Town law allows a height of 80 feet in the RU district. Irmischer has received signatures from his neighbors stating they would have no problem with the installation of a windmill. Byland questioned how much noise the windmill would make. Irmischer said the one he saw was set up on a temporary base and made no noise. Muir stated the concept plan shows guy wires for support. Irmischer said there are guy wires on the 70-foot tower. A stand-alone tower would cost \$7,000 whereas a complete unit with guy wires is \$4,000. Irmischer questioned the reasoning of the law not allowing guy wires. Muir stated he did not know the reason, however the board must abide by the law. The Planner spoke with airport manager Ann Crook who had no problem with the concept. Ormiston recommends the board review the current code in relation to wind energy conversion systems. He suggested the members also review codes from other areas to get some background information for these systems. He mentioned the RU district allows for towers to 120 feet, which raises concerns about industrial and commercial traffic and wireless communication systems. If the district is rezoned Ormiston would like to see a restriction on towers and antennas.

CORRESPONDENCE

The Planner gave a quick summary of the following correspondence:

National Retail Properties – This application has been withdrawn

Rerob LLC Car Wash - Planner recommends no action at this time.

IAFL Site Plan Application – Abandoned Site Plan Letter

Harrington Subdivision – Abandoned Site Plan Letter

Planning Board Alternate Position Copies of Letters – Letters have been sent to the applicants.

American Twin Harley-Davidson – Denial- ZBA denied the variance

Ambrose – The previous bond expired on the 17th of September. Planner is waiting for the required documents. This should be complete some time this month.

PENDING APPLICATIONS

Reynolds Subdivision – Application was received 9/12/07 and was not complete – Planner is awaiting additional information.

Kathy Young Subdivision – No action recommended this month. Planner will send a letter to Young and Jody Allen as we have received no additional information for two months.

**TOWN OF BIG FLATS
PLANNING BOARD
UNAPPROVED MINUTES
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1 IAFL Site Plan Application – Planner spoke with Dr. Hussein

2 **Motion by Stewart, seconded by Muir to withdraw without prejudice. Discussion, None, Motion**
3 **Carries 7-0**

4
5 Harrington Subdivision – Planner received a letter asking to withdraw the application

6 **Motion by Esty, seconded by Masler to withdraw without prejudice. Discussion, None, Motion**
7 **Carries 7-0**

8
9 Smith Antique Store – Planner received a verbal request to withdraw this application on 9/18/07

10 **Motion by Muir, seconded by Esty to withdraw without prejudice. Discussion, None, Motion**
11 **Carries 7-0**

12
13 Holden Subdivision – No Action Recommended this month – The Planner has met with the applicant's
14 attorney, who is actively working on the project.

15
16 ReRob – No Action Recommended this month. The Planner will contact Sarah Campbell this week and
17 send a follow-up letter this month.

18
19 American Twin Harley Davidson – Planner assumes applicant will withdraw.

20
21 **MEMBERS COMMENTS**

22
23 **Motion to adjourn at 8:18 by Muir, seconded by Esty, Discussion, None, Meeting adjourned at 8:19.**



**TOWN OF BIG FLATS
PLANNING BOARD**

REGULAR MEETING

**UNAPPROVED MINUTES
OCTOBER 30, 2007**

Members Present: Angela Piersimoni, Chair, Bill Stewart, Carl Masler, LeeYounge, Lance Muir, Scott Esty, Jim Ormiston, Alternate Member Bob Byland

Members Absent:

Staff Present: J. Justin Woods, Planning Director, Brenda Belmonte, PB Secretary,

Others Present: Mary Ann Balland, Peter Lederer, John Wren, Thomas Wren, Thomas Clark, James Appier, George Buck, Stan Koziatsek, Ron Panosian

Meeting called to order at 6:35 by the Chair noting all members were present.

MINUTES

Chair asked for a motion to approve the minutes of October 2, 2007.

Motion by Esty, seconded by Muir, to approve the minutes of October 2, 2007, Discussion, None, Motion Carries 7-0.

REPORTS

Peter Lederer / Proposed Runonvea Project – After meeting with Art Ambrose and Stu Schweizer and discussing how best to advance this project, the decision was made to first form an advisory committee. Therefore, Mr. Lederer asked to withdraw his request from the October 23rd Executive Committee meeting and postpone the consultant interview for later in the year. He is requesting the planning board make a motion to appoint one person along with an alternate to the advisory committee. Representatives are needed from the Big Flats Planning board as well as from the Chemung County and Horseheads Planning Boards. Ambrose and Schweizer have agreed to be on the committee, and MaryAnn Balland has suggested the Big Flats Director of Planning be involved. The committee will begin meeting after the holidays and will start by discussing the sites under consideration. Lederer believes this project implements the town's Comprehensive Plan and the Town Center Strategic Plan. He hopes it will be a project that in time will be endorsed and participated in by Big Flats, Chemung County, and Horseheads. Art Ambrose supports the project and has said this is an opportunity for the planning boards to be pro-active and set objectives for this type of development as opposed to being reactive to plans set before them. By request of the Chair, Lederer gave a brief description of the project to the public members that were present. Ormiston stated he is very impressed by the layout of the project, of course several details would need to be worked out. He asked what Lederer is looking for from the Town of Big Flats in terms of sponsorship. Lederer is currently promoting only the concepts and is looking for agreement from the Planning Board to have a representative participate in a formal matter. The advisory committee would then deal with further planning details. Piersimoni asked if there would be a representative from the Town Board. Lederer responded not at this time, the Planning Board is the first step and they will report back to the Town Board. The board agreed to address the matter of volunteers at the next planning board meeting.

**TOWN OF BIG FLATS
PLANNING BOARD
UNAPPROVED MINUTES
OCTOBER 30, 2007
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1 Zoning –Schedule – The Planning Board has added an extra meeting for November 20, 2007 to
2 finish reviewing and make a recommendation on the proposed zoning changes. The Town Board
3 will set a Public Hearing at their November 14th meeting. The Public Hearing will be scheduled
4 for November 28th and the Town Board will probably vote on December 12.
5
6

7 **CONTINUED APPLICATIONS**

8 John's Truck & Auto Subdivision – The applicant requests that the proposal be tabled until the
9 zoning issues are resolved. The Planner reviewed Wren's letter recognizing the constraints on
10 the current zoning. The proposed zoning for that area would allow the land to be developed
11 within the Town Center Plan. **Motion to table application until zoning issues are resolved by**
12 **Stewart, seconded by Muir, Discussion, None, Motion Carries 7-0.**
13

14 **NEW APPLICATIONS**

15 Reynolds Subdivision – Application is incomplete. Jamie Gensel expects to resubmit soon. Planner
16 anticipates it will be submitted this Friday.
17

18 **PENDING APPLICATIONS**

19
20 Kathy Young Subdivision – Planner reported that Kathy Young called him and stated she was pursuing
21 plans other than subdivision at this time. Planner also met w/ Ms. Young to review new projects.
22 **Motion to withdraw application without prejudice by Younge, seconded by Esty, Discussion, None,**
23 **Motion Carries 7-0**
24

25 Rerob LLC – A letter has been sent by the Planner explaining if we do not hear from them by November
26 2nd, the application will be considered abandoned.
27

28 American Twin Harley Davidson – Noting a copy of email from Jamie Gensel – **Motion by Esty,**
29 **seconded by Ormiston to allow applicant to withdraw request for site plan at this time.**
30

31 **CORRESPONDENCE**

32
33 Kathy Young / Jody Allen

34 Rerob Car Wash

35 Harley Dealership

36 Robin Harrington – Copy of withdrawal approved at the last meeting.

37 Michael Smith – Copy of withdrawal approved at the last meeting.

38 IAFL – Copy of withdrawal approved at the last meeting.

39 Benjamin Farms Decision – Copy of approved lot line adjustment
40

**TOWN OF BIG FLATS
PLANNING BOARD
UNAPPROVED MINUTES
OCTOBER 30, 2007
PAGE 3 OF 4**

1 The Planner briefly described the letters listed in correspondence and announced the upcoming Storm
2 water training put on by the Chemung County Storm water Coalition. The planning secretary will register
3 members interested in attending for either the morning or evening session.
4

5 **Proposed Zoning Changes**

6 Town Center Overlay District – The proposed lot coverage increase is to allow for more dense
7 development. The goal of the Town Center Strategic Plan is to encourage the more dense development.
8 The maximum allowable lot coverage will be 100 percent, which will allow for a more creative design
9 than the current setbacks and bulk and density requirements. Younge stated her concern with the 5 stories
10 allowed in mixed use and the effect it would have on the view of the area. The intent of the Town Center
11 type of development is to increase the number of uses leaving no options to build out, but to build up.
12 Stewart believes this would cause more of an eyesore than a white building on the ridgeline. The board
13 will have discretion, with no obligation to agree to a 5-story expansion. Going beyond 3 stories would not
14 be allowed without special approval from the board. Ormiston feels that funeral services should be
15 defined, as he does not feel a cremation service would be wanted in the Town Center. Esty also
16 expressed his concern on building size and feels the board should be able to review any site plans.
17 Piersimoni asked if there were design standards in the present law. The Planner stated it needs to be
18 looked at to develop more standards. Piersimoni also questioned all buildings being required to have a
19 front door with parking in the rear and wondered if there would be enough parking for cafes, small
20 offices, etc. The Planner explained this is trying to follow the Town Center Strategic Plan to promote a
21 traditional streetscape. The intent is it will not be an auto-based area, but a neighborhood use needing
22 more sidewalks and less parking area. Ormiston mentioned that at one time the expansion of sidewalks
23 was limited due to liability, and wondered if they would now be expanded. Esty questioned if the model
24 idea would be downtown Corning. The Planner said that Corning is a traditional downtown, however
25 more dense than what would likely be developed in Big Flats. In many areas this smart growth has been
26 embraced to promote and encourage investment and development. Stewart asked if there was
27 infrastructure to support the plan. Mary Ann Balland stated that the sewer extension is presently being
28 engineered. The town is hoping to bid two projects at once; the new sewer project and the court room
29 addition. She explained the areas to be included in the new sewer project and said no residents have
30 shown interest in it.
31

32 Recreation Conservation District – This is to allow for a golf course other limited uses to reclaim the
33 mining areas. Younge feels golf courses are a good idea, however she is concerned that the primary
34 aquifer is in that area, and the pesticides used by golf courses should not be used over the aquifer. She
35 also stated the need to know the seasonal boundaries of the aquifer. The Planner will check into this and
36 provide the information to the board. Stewart is more concerned with an agricultural plant than a golf
37 course. The Planner reviewed the agricultural use as defined in the zoning. Balland is also opposed to
38 having an agricultural plant; not only because of fertilizer use, but also the allowance for storage. The
39 height of a storage building would be close to the fly zone. Muir feels the agricultural definitions are very
40 fluid. The Planner agrees and feels that as we move forward this needs to be looked into more clearly.
41 Esty asked if perhaps cemeteries should be added to the recreational area; it may be a compatible use.
42 Stewart feels you would then have to deal with the water level. Most cemeteries are built on hills or

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1 knolls. Agricultural use also needs to be defined. Stan Koziatsek, who owns a car wash near the mall
2 feels even a field of weed would look better as long as it is being maintained.

3
4 Rezoning of ABD & CL areas to Business Regional District - The Planner explained the proposed zoning
5 changes for this district. Representatives from the town have met with the landowners and mall residents.
6 Esty asked if there was an area for campgrounds. The Planner said camping would be allowed in the
7 Conservation District, however, allowance of an RV park would need to be checked into further.

8
9 Draft Storm water Law – This law was drafted by Attorney Hoffman to update the existing laws so the
10 Town complies with the EPA Phase II stormwater regulations that go into effect January 1, 2008.

11
12 Future Changes Under Consideration – This was presented to refresh members as to what was previously
13 proposed. Mike Watts, owner of the Terwilliger Light building would like to have some input on the
14 Daniel Zenker proposal. The chair stated this would happen at a later date. Balland feels this will take
15 place perhaps in April. Watts wondered if there were any initial thoughts or a general idea on what would
16 be proposed for that area. The Planner explained the need to have discussion between the town and
17 representatives of the people in the area. He is listening to issues and concerns and is reviewing the files.
18 Postcards will be sent to residents with further information regarding upcoming meetings. George Buck, a
19 business owner on Daniel Zenker asked if the Planner had received his letter. The Planner stated he needs
20 to review the letter along with the files. The Planner will review those minutes as well. The Town Board
21 has received Wren's request for a zoning change. The Planner reviewed the letter and presented it to the
22 Planning Board. Thomas Wren asked that the board look at the BN, BNR, and CL districts with an
23 unbiased opinion. The zoning proposal is meant to adhere to the Strategic Plan and would change the
24 Wren property from CL to BNR. Ormiston feels it is also a good time to review signage requirements for
25 the Town Center Plan, and to exempt signs for special events and holidays.

26
27 Member Initiated Changes or Other Issues to Review

28
29 **MEMBERS COMMENTS**

30 Esty asked what was happening at the Federal Express building – there is presently a lease sign there.
31 The Planner has called but was unable to reach anyone. Balland feels the lease sign may be more a
32 negotiating point than anything. We should wait and see what actually happens. If the previously
33 approved site plan is done within the allowed time frame it will be permitted. Otherwise, it will expire.
34 Younge asked if Soul Full Cup has begun building. The planning office has heard nothing since the
35 approval. The next planning board meeting will be Tuesday, November 20th.

36
37 **Motion to adjourn at 8:17 by Stewart, seconded by Esty, Discussion, None, Motion Carries 7-0**
38 **Meeting adjourned at 8:18**



**TOWN OF BIG FLATS
PLANNING BOARD**

REGULAR MEETING

**UNAPPROVED MINUTES
NOVEMBER 20, 2007**

Members Present: Angela Piersimoni, Chair, Bill Stewart, Carl Masler, LeeYounge, Lance Muir, Scott Esty, Jim Ormiston

Members Absent: Alternate Member Bob Byland

Staff Present: J. Justin Woods, Planning Director, Brenda Belmonte, PB Secretary,

Others Present: Thomas Wren, John Wren, Bill Norton, Diane Norton, Brian Swarthout, Pete Lederer, Jean Leavenworth, Dick Leavenworth, John Farr, Harry King, Jane King, Sue Walmsley, Dave Walmsley, Brian Troccia, Andrea Troccia, Dick Smith, MaryAnn Balland, Harold Jones, Anna Jones, Kelly Oldroyd, Don Condon, Penny Condon, Gerald Richards, Charles Annis

Meeting called to order at 6:30 by the Chair noting Alternate Member Bob Byland was absent.

MINUTES

Chair asked for a motion to approve the minutes of October 30, 2007.

Motion by Younge, seconded by Muir, to approve the minutes of October 30, 2007,

Discussion, None, Motion Carries 7-0.

REPORTS

2008 Rules of Procedure & Schedule

Proposed rules eliminate the Executive Committee, leaving the Chair to approve the agenda. The Applications Committee will continue to meet to review new applications.

Stormwater & IDDE Laws

Postponed for minor revisions- Town Board will set a hearing for December 12 with the Planning Board recommendation coming at the December 3rd Planning Board meeting (note this is a Monday).

Daniel Zenker Meeting

Planner met, and will continue to meet with, the residents and business owners to discuss the proposed zoning changes.

River Council

Younge will meet with the town board regarding grants and any progress being made.

OLD BUSINESS

ReRob - **Motion to consider application abandoned by Esty, Seconded by Ormiston, Discussion; None, Motion Carries 7-0.**

Zoning Referral for proposed Amendments to Zoning Law

Notices have been sent to residents within 500 feet of the three areas proposed to be amended.

Town Center Overlay District-TC is currently one zoning district. The new proposal it would be broken down into an overlay district with four areas; Town Center (TC), Town Center 2 (TC2), Neighborhood 2, and Business Non-Retail (BNR).

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1 Creation of Recreation Conservation District – this area is currently gravel mine pits and runway
2 protection zone. This area is within the flight path and anything done there would need to keep that into
3 consideration. The airport intends to increase the runway in the future. Proposed zoning would create a
4 district to allow for the planned reclamation of the pits in a manner that is compatible with the Runway
5 Protection Zone.

6
7 Expansion of Business Regional – Presently zoned Airport Business District (ABD) and Commercial
8 Light Industrial (CL) would merge into Business Regional (BR).

9
10 Piersimoni is concerned about passing zoning without design and color standards being included. She
11 questioned if there are rules in place regarding lighting, signage, etc. in the proposed TC area. The
12 Planner feels the present proposals should be passed as a first step, followed by the development of
13 architectural standards. Esty stated any zoning changes made within 500 ft of the Town of Horseheads
14 need to be submitted to them along with the county.

15
16 Public Comments

17 Kelly Oldroyd, owner of Dream Home Builders, asked what affect the change would have on his
18 property. The Planner referred to the proposed zoning map – Oldroyd's business is currently zoned Town
19 Center and would remain Town Center.

20
21 Brian Swarthout, of Swarthout Recycling, asked what zone his property, located behind the town hall,
22 would be changed to. The Planner answered TC and TC2. Swarthout asked about the allowance of
23 storage buildings in those areas. Storage buildings are not allowed in the Town Center. Swarthout said
24 then he is against the proposed zoning.

25
26 Chuck Annis, of CNC glass questioned how the change would affect his shop and the potential to sell it.
27 The Planner said the change would allow for more flexible use than what currently exists.

28
29 Jerry Richards, owner of property on Winters Road, asked what changes are planned for that area. The
30 Planner stated the changes would make it easier to develop for residential or commercial with mixed
31 uses. It would open up more possibilities than currently exist.

32
33 Diane Norton, Kelly Drive, asked how the change would affect her. That area would remain R2 – a notice
34 was sent because they are within 500 feet of the proposed changes.

35
36 Jane King, Kelly Drive, feels that putting TC2 behind the houses on Kelly Drive is not the thing to do.
37 The Planner explained that the current zoning is TC and that TC2 would be a better change in use. King
38 noted the list of what is allowed in TC2. The Planner referred to the list of allowances in TC2 as
39 compared to TC. There is to be a mixed use of commercial and residential. King feels it needs to be
40 looked at further.

41
42 Sam Dean, Main St, asked how the changes would affect him. The Planner stated it is hard to realize
43 where each individual property is, however, he would be happy to answer specific questions at another
44 time.

45
46 Dick Smith, 22 Hibbard Road, is having a lot of difficulty with the FEMA map as it allows bankers to

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NOVEMBER 20, 2007
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1 determine if an individual is in the flood zone. The Planner asked if Smith had a specific question or
2 comment on the proposed zoning. Smith replied yes, until the FEMA is updated, where are you heading
3 with zoning. Why should the planning board bother to change anything – if you don't follow according
4 to the FEMA maps, you cannot do the proposed zoning. The Town board Public hearing is scheduled for
5 the November 28th at 4:30.

6
7 Esty is unsure of the differences between TC and TC2; it appears that everything is the same. The
8 Planner explained that TC2 is to allow for mixed use, whereas TC does not. Stewart asked why anything
9 is being proposed so near to the airport. Ann Crook, airport manager said a golf course is highly
10 compatible, along with anything that is not a congregation of people, for example a parking lot,
11 clubhouse, or storage facility. The Planner has done some research regarding a cemetery or memorial
12 park. It is common to have plaques in the ground without bodies underneath, which might be a
13 compatible use. Allowance for a 5-story building was removed from the proposal.

14
15 **Motion by Muir, seconded by Younge to recommend the Town Board take favorable action on the**
16 **proposed Zoning Amendments including Agricultural Plant, Cemetery, Public Park or Memorial**
17 **as uses permitted with site plan approval. Motion Carries 6 in favor to 1 against (Piersimoni).**

18
19 Wren Zoning Request

20 Applicant's request for a zoning change from CL to BN is being presented to the Planning Board for
21 recommendation to the Town Board. The Planner explained that the BN district would allow for a
22 convenience mart and gas station. Wren feels it does not make sense, and it seems unfair, to change the
23 site to BNR just because a convenience store is not wanted. If it is being changed from CL, he feels it
24 should be changed to something more sellable. In 2002 it was argued that CL was the ideal use, now the
25 argument is that it should be BNR. The Planner recommends a negative recommendation to the town
26 board on the Wren request. Younge asked Wren what he was thinking about doing. Wren answered that in
27 BNR you cannot sell anything, however, in BN you can. He cannot understand why, for any reason, it is
28 not zoned BN. He is trying to keep the value of the property. It was bought as CL, and he doesn't want to
29 keep it that way. Younge asked what Wren's recourse would be. If zoning changes were not made then he
30 would need to request a variance. Younge agrees that the corner lot should allow for something to be sold.
31 Thomas Wren noted that even a garden center would not be allowed. John Wren reiterated that this would
32 lower the property value. Piersimoni stated that Wren could present his feelings to the Town Board. Wren
33 feels the planning board should present it to the Town Board as fitting in BN, not BNR. The Planner
34 replied this would be asking for spot zoning. Stewart commented that the town board is where Wren
35 needs to win their battle ultimately. Thomas Wren is upset that the Planner is saying that the Planning
36 Board has voted to agree to a recommendation. They came in weeks earlier to discuss this and feel they
37 should have spoken about it prior to the vote. The Planner explained there was a discussion regarding this
38 at the last planning board meeting. Younge stated that Wren's property is on the line and asked where it
39 would become BN if the line was moved.

40
41 John Farr, 16 Winters Road said he was here when they argued this in 2001. His property went from R1 to
42 TC2. Tonight he has lost the ability to ward off several issues including setbacks and buffers, but that is
43 ok, because BNR is across the street and is compatible. If you take away his buffer rights and allow bars,
44 convenience stores, etc. then the board has done him a turn tonight. He has been looking at the proposed
45 map on the web. He feels if radical changes are to be made, it needs to be presented months ahead
46 allowing for comments from the residents. Piersimoni replied that what is said tonight is just a

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1 recommendation to the Town Board, and the residents need to address them. The Planner confirmed, for
2 clarification, that Mr. Farr is against changing from the proposed BNR to BN.

3
4 Brian Swarthout stated his property is currently zoned CL. Therefore, would he be allowed to come in
5 tomorrow and submit an application; he could have the building up by next week. He does not want his
6 property rezoned. How is his property different from Wren or anyone else. Piersimoni stated once again,
7 he would need to approach the Town Board at the public hearing next week. Also, Swarthout has not
8 submitted a written request for a change as Wrens have.

9
10 Esty commented that a proposal to change would affect the entire parcel. He feels they will subdivide this
11 lot eventually, which could open the way for a bar to be present right next to the school.

12
13 Piersimoni referred to the letter dated November 16, 2007 and stated right now we have to make a motion
14 to deny or approve the zoning request. Masler asked if the park was being zoned BN. Wren replied the
15 entire park is being zoned BN. Planner noted that this is not accurate.

16
17 Stewart commented that if Wrens come back and want to subdivide their property, and went BN to the
18 south of their existing business, below their BNR border, he could not approve a BN next to the school
19 due to what is allowed in that district. Muir feels what we are talking about is the difference between BN
20 and BNR and density. BNR is to make it more compatible with residential in regard to traffic, safety, etc.
21 Thomas Wren said BNR states the same thing, to fit with the existing neighborhood. Right now it is
22 zoned for a strip club but that would be turned down as well a bar because it would not fit. The Planner
23 explained the board would have a difficult time denying something that is allowed in the district. Muir
24 stated there is quite a difference in the allowances for BN and BNR. Wrens need to take it up with the
25 Town Board.

26
27 **Motion to the Town Board to deny Wren's zoning request at this time by Ormiston, seconded by**
28 **Muir, Discussion, None, Motion Carries 7-0.**

29
30 **NEW BUSINESS**

31 **Airport Parking Lot Expansion (Concept)**

32 Ann Croke, Airport Manager stated the parking lot improvement would come before the board when they
33 have a better plan. She is looking for public input to see what we are looking for. Croke presented
34 details regarding the current lot and the proposed changes, which will allow for better traffic flow,
35 repairing of pavement and eventually the addition of a new parking lot. Crook presented the phasing plan
36 based on a preliminary design, however it has not been decided yet. This is the first step of the design
37 phase. The long-term parking lot will be expanded to add 55 more spaces, and reduce the short-term space
38 to 80 to 100. She would like to promote the use of the restaurant. Stewart asked where the piles of snow
39 would go. Croke stated they are unsure yet. Stewart stated **pervious concrete** would be excellent for
40 this project and would let the water go through it. It allows for excellent snowmelt, which reduces the area
41 needed for storage. Construction is hoped to start mid June and end sometime in August. The Planner
42 asked why the road would need to be moved for future parking. Crook answered this is in the future.
43 Younge has had two large group meetings in the restaurant where it was difficult for parking and
44 maneuvering. McFarland Johnson designed the master plan, and is also on this proposed plan. Muir
45 asked if the rental lot would stay the same. Crook said the rental car lot is quite new; it will have
46 improved signage, but other than that, it is done. Stewart questioned who is monitoring the gravel pit at

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1 the airport regarding what is being put into it. He has seen some materials there that should not be buried.
2 Crook will check into this further.

3
4 **Hackett Variance Application**

5 A copy of the entire application, correspondence and Planner's memo was provided. Applicant is asking
6 for a variance to add a workshop to his existing garage, however he has not submitted the variance
7 requirements. Ormiston asked if the proposed workshop is for personal or business use. Stewart
8 commented that the difficulty with this application is all of the variances that have previously been
9 allowed. Stewart asked what other options the applicant has. The Planner answered the applicant could
10 work in his garage. Piersimoni stated it is a beautiful area, and if such additions were to be added, it
11 would 'junk it up'. **Motion to deny variance request by Stewart, seconded by Ormiston, Discussion,**
12 **None, Motion Carries 6-0 with one Abstention (Muir).**

13
14 **Site Plan Referral from Horseheads**

15 Texas Roadhouse – Proposal is within 500 feet of town border, so it has been referred to us for comment.
16 Planning Board does not have to take any action – notice is for information purposes only.

17
18 **CORRESPONDENCE**

19 Kathy Young Correspondence (10/31, 11/08 & 11/14) – Planner has since received a written
20 request to withdraw – Young has now submitted a timber harvest application.

21 Hackett Letters RE Variance Application (10/30 & 11/14)

22 Crook Letter RE Noise Testing (1/05)-residents have requested this, so it was done to help them out.

23 Moore Letter RE Strawberry Flats Consent Resolution (11/09)

24 Gensel Letters RE Incomplete Applications (11/7)

25 Sikorsky Administrative Approval of Minor Site Plan Amendments (11/14)

26
27 **ACTIVE APPLICATIONS (NO ACTION)**

28 Holden Subdivision (Incomplete, Applicant Actively working with staff)

29 Wren Subdivision (Tabled pending Zoning Changes)

30 Reynolds Subdivision (Still Incomplete)

31 Simmons Rockwell (Still Incomplete) – sent out for engineering review to Hunt Engineering. Hunt had
32 very favorable reviews from other Planners. They have no clients in Big Flats other than Toyota, which is
33 complete, so there is no conflict of interest.

34
35 **MEMBERS COMMENTS**

36 Any members planning to resign from the board are asked to let the Planner know.

37
38 Planner spoke with Lederer to let him know it is the chairs decision to appoint someone to represent the
39 planning board for a project.

40
41 **Motion to adjourn by Stewart at 8:23 seconded by Muir, Discussion, None, Motion Carries 7-0,**
42 **Meeting adjourned at 8:24pm.**



**TOWN OF BIG FLATS
PLANNING BOARD**

REGULAR MEETING

**UNAPPROVED MINUTES
DECEMBER 3, 2007**

Members Present:	Angela Piersimoni, Chair, Bill Stewart, Carl Masler, Lee Younge, Lance Muir, Scott Esty, Jim Ormiston, Alternate Member Bob Byland
Members Absent:	None
Staff Present:	Brenda Belmonte, PB Secretary,
Others Present:	Steven Reynolds, James Gensel, MaryAnn Balland

Meeting called to order at 6:30 by the Chair noting all members were present.

MINUTES

Chair asked for a motion to approve the minutes of November 20, 2007.

Motion by Stewart, seconded by Masler, to table the minutes of November 20, 2007 until the next meeting to allow time for review. Discussion, None, Motion Carries 7-0.

Reports

Zoning Update – Piersimoni explained her reason for voting against the proposed zoning at the last meeting. She feels there is a need to review signage, lighting, and landscape barrier requirements in the Town Center District. It has been proposed to form a committee to discuss these design requirements. Her hope is that the Executive Committee will do this along with one other volunteer. The Executive Committee members agreed to form said committee. The Town Board held their zoning meeting on Wednesday, November 28, and the vote should be held December 12. It would be good to have the requirement recommendations in previous to December 12, however they will come before the Planning Board before being recommended, and the vote will be at a later date. Piersimoni would like the Planner to clarify agricultural uses in the Conservation Recreation District as she feels some of the ideas would not blend well with the proposed zoning.

Architectural Standards – Esty feels it would be wise to gather these standards from other towns to observe what has been done in other areas. Balland stated that the Planner is in the process of obtaining recommendations from three consultants for the various standards. Ormiston mentioned there is a multitude of resources online referring to town standards. Stewart is concerned about building businesses in the town with no alleys for access by emergency vehicles. Muir stated parking would be in the rear; therefore access would need to be addressed. Byland offered to do some research on this subject. He will email the members with some of the basic information, and will report further at the next meeting.

River Council – Younge reported that the River Council has lost its director. The Big Flats portion of the grant, \$10,000 with a \$10,000 match, needs be utilized. She has contacted the Department of State and understands that there are just a few more things to complete as far as the Big Flats portion is concerned. Younge feels Santulli should be contacted and asked for support to continue the project. As chair of the council, Younge has further meetings on hold until January to allow time for reorganization. Corning is

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moving ahead with the exact same proposal, which would connect with the Big Flats plan. The trail would begin where the Tioga and Conhocton rivers meet.

Runonvea- Esty attended the meeting last week and reported that many of the people invited were not present; whether it reflected commitment levels or schedules he was unsure. The participants discussed the need for a plan with more specifics, and perhaps acquiring a planning person from the state to craft a detailed plan. Byland stated there were large gaps in the plan that were unable to be filled due to the absence of certain individuals. Lederer was given several leads that may be able to help with the project. No further meeting date has been set. Lederer will contact DDR to see if he can find some broad scale developers for input and will report back to Esty some time after the first of the year.

New Business

Reynolds Subdivision - Piersimoni mentioned the planner was quite specific with what he was requiring for this application. Gensel reviewed the proposed subdivision plan. The existing roads will access the project. There is no public water or sewer in that area and the lot sizes vary. Permits will be required for septic and well through the health department. Permits will also be required for driveways as each individual builds on their lot. Each building application submitted for a home would need a minor erosion control plan. Each house built will need to be reviewed separately. According to Town Code, and as part of the permit process, building on a steep slope would not be allowed. The consultant for this project will be reviewing the drainage for this project as well as for the Simmons Rockwell plan. Muir commented that this plan is for the subdivision only. The requirements for the building process could be much more detailed and tedious. Ormiston asked if some of the residents might be interested in placing stables in the area. Stables would be allowed in the Rural (RU) District. The applicant does not have any potential buyers at this time, so he does not know. Those issues will be addressed at the time of the permit process and will reviewed by the Code Enforcement Department. A Public hearing is required prior to approval **Motion by Esty, seconded by Muir to accept preliminary plan. Discussion, None, Motion Carries 7-0.**

Simmons Rockwell – Muir commented that there have been some additions since the last meeting. Drainage and traffic are major issues along with lighting and landscaping. Some revisions have been made, and more will continue to be made. The county or town will need to make the decision on driveway location. Some of the driveway options include across from Arnot Road, at the Arnot Mall access drive, or near Fortuna. It is possible that it may have two access points; one at the Mall, and one at Arnot and Colonial Drive. Piersimoni asked if there was discussion regarding moving the buildings closer to the road. Gensel said there would be further discussion, but feels that is not a major issue. The applicant is willing to work with the town to build the franchise and has offered to signalize one of the intersections. This will most likely be a five-year plan with the lower piece being developed first. The county is in the process of examining Colonial Drive. Esty said there is a committee that has an overdue report on how to fix Colonial Drive. The road is inadequate even for traffic being used today and is quite a concern. MaryAnn Balland suggested the board contact Andy Avery to see how the study is progressing. Piersimoni asked if Sue Phillips could come to a meeting. Balland mentioned Phillips is out of town, and perhaps Bill Piatt could attend. Muir commented that the application is in front of the board now, and it needs to be dealt with. Piersimoni asked if there is a traffic consultant reviewing the application. Gensel said he believes Tim Steed from Hunt Engineering is reviewing it. Simmons is looking at the potential to move the buildings up. There is a possibility the buildings may change

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REGULAR MEETING
UNAPPROVED MINUTES
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1
2 depending on who the applicant hires to build, however, the bulk square footage will not change. Stewart
3 asked about the differentiation between three and four inches of blacktop on the plan stating it is
4 something that needs to be addressed now. Gensel said he would note that as soon as they know where
5 their passages are, however the town does not have any requirements and the pavement does not need to
6 be inspected. Stewart also asked about the stormwater and where the water is going. Gensel said three
7 tests were done in the basin areas and they got a decent perk. Stewart is also concerned about the
8 perforated pipe and how it is wrapped. In his experience that is grounds for failure. Gensel said yes, if
9 they don't stabilize the site before putting it in. Masler asked for further details of storm basins 1 and 2.
10 Gensel explained, if they ever have water contaminants, the slower perk of those two basins would supply
11 the water quality. Esty questioned the green area of the proposed plan – will it be green or red rock.
12 Gensel said that area would be green, and that red rock will not be used. Piersimoni commented it has
13 been suggested this be accepted as a concept plan as there is much more information needed. Ormiston
14 would like to know how the land in the Town of Horseheads behind the proposed building is zoned and
15 asked for some drawings showing the lines. Balland will contact Tom Skebey and ask him to inform the
16 board of the zoning in that area.
17

18 Old Business

19 2008 Rules of Procedure – Piersimoni stated there has been discussion regarding elimination of the
20 Applications and Executive Committees. She feels it is working well as it is now with both committees
21 meeting. Younge feels too much is being taken away from the Planning Board. Although the Planner feels
22 the board should follow his advice, if he makes all of the decisions, he is losing the eyes and experience
23 this board has and is doing a disservice to the town. She understands the Planner feels that having
24 afternoon meetings does not lend itself to the public being able to attend. She also feels that the suggested
25 two Planning Board meetings per month are not necessary. Perhaps we could advertise once or twice a
26 year regarding public meetings. If the Planner alone is going to make decisions, the board feels they
27 would just be 'rubber stamping' them. Muir feels we are moving in the direction of a one-man show. The
28 planning board has the responsibility of representing the community and that is important to the ideas and
29 decisions being rendered. Everyone has a different perspective, and he feels the Applications and
30 Executive Committees are quite necessary. Younge stated it is to the boards' credit that they are all
31 involved. Esty asked Gensel if he felt the Executive Committee has been helpful. Gensel said he felt he
32 needed to be there to see what was going on, and what would be required further. The town does not
33 have the staff to review all the applications. Balland suggested forming several subcommittees instead of
34 holding two meetings per month. The board concurs that two meetings are not necessary and agree to no
35 changes. They will discuss this further with the Planner at a later date.
36

37 Stormwater & IDDE Referrals

38
39 Correspondence

40 Arnot Realty Letter – The board addressed the letter regarding the proposed zoning changes. Muir feels
41 this would require spot zoning and understands that cannot be done. Esty commented that the original
42 idea to change the ABD District to Retail was in the favor of the property owners and would increase
43 their value. Piersimoni asked if the zoning for Colonial Drive had been changed. Balland answered no,
44 the board has just reviewed it. Arnot Realty presented the letter at the town's public hearing meeting.
45 Balland commented that spot zoning should not be done as it makes it appear that favoritism is being
46 shown to certain individuals or businesses. She would like to take the time needed with the zoning to

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provide fairness to everyone. The Arnot letter will be tabled giving the board time to review. Balland suggested the Planning Board could work with a consultant on architectural standards and then recommend them to the Town Board.

Rerob Letter

Gensel letter

Active Applications (No Action)

Holden Subdivision – Access issues

Wren Subdivision – Tabled – Wrens will be meeting with Balland.

Comments

Motion to adjourn at 8:17pm by Stewart, seconded by Esty, Discussion, None, Motion Carries 7-0. Meeting adjourned at 8:18pm

